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“THE CONSCIENCE CLAUSE.”

ITS HISTORY, TERMS, EFFECT,
AND PRINCIPLE.

A REPLY

TO

ARCHDEACON DENISON.

BY

JOHN OAKLEY, M.A.

“Not clinging to some ancient saw,
Not mastered by some modern term,
Not slow, nor swift to change, but firm;
And in its season, bring the law.”

Tennyson's “Love Thou Thy Land.”

“Un grand danger peut menacer la civilisation moderne. Si, en même temps que le besoin de bien-être se généralise dans le peuple, les lumières et la moralité se répandent dans toutes les classes, de façon à inspirer aux unes la justice et aux autres la patience qu'exigent les réformes pacifiques, le progrès régulier est assuré; mais, si l'on maintient en haut l'instruction, la richesse et l'égoïsme, en bas l'ignorance, la misère, et l'envie, il faut s'attendre à de violens bouleversemens.” . . . “Il y a, je crois, dans le monde, quatre nations qui peuvent dire avec un légitime orgueil que tous leurs citoyens savent lire: l'Allemagne du Nord, la Norvège, la Suisse, et les États Unis; . . .”

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P R E F A C E.

THIS pamphlet arose out of an invitation to defend the Conscience Clause, at a meeting of London clergy and a few laity, against the opposition to be offered to it by Archdeacon Denison in person. I thought it better to meet the Archdeacon with a carefully-prepared statement, in order not to be tripped up on some small matter of fact connected with the long-drawn history of the case by one so long familiar with all its details. It will be easily understood how materials for the defence accumulated, on a careful study of Blue-books, Minutes of the Committee of Council, Reports, and published correspondences, all of which suggested at every turn points of undoubted importance necessary to a complete statement of the case. The result was that this paper outgrew the purpose for which it was prepared; and when, moreover, only half the expected time was left for its delivery, it had to be curtailed beyond my worst expectations, and I could only pick out a fact here and an argument there as seemed most appropriate at the moment. This, though satisfactory enough upon these points, was manifestly unjust to the case as a whole. Some who thus partly heard or have since read it, thought it desirable that so full a statement of the case should be made public. I have thought it worth while to publish it for several reasons; and not less since it appeared that some who

were present on the occasion referred to went away with the impression that many men are so apt to receive, that because a reply to their opinions was not made, no reply could possibly be made.

I venture to appeal to the opponents of the clause to give a careful consideration to the facts and arguments of this address; and to its ardent supporters to be patient of the tone of apology and expostulation into which I have been led. This was unavoidable in a *concio ad clerum*, and if any one is disposed to underestimate the amount and force of the feeling against it on the part of the Church, I can only point to the recent majority against the clause in the Lower House of Convocation, which, whatever its defects or sins, does certainly include many of the best and ablest clergymen in the country. I am well aware that the facts are differently interpreted by many able and excellent men—that some of my arguments will not only not commend the clause to some of its adversaries, but will confirm their suspicions of it. Nevertheless, I trust I have suggested grounds on which all, or nearly all, may consent to adopt some arrangement of the kind proposed. And my object has been that alone—to advocate the acceptance, on whatever grounds and in whatever form may finally be agreed upon, of a stipulation which I believe that the State has every right to demand, and the Church every obligation and inducement to give.

One point I am induced to mention here, not having referred to it in the body of this paper, in the plan of which it did not appear to me to have any part; and wishing to print my address as nearly as possible in the form in which

it was first prepared. I refer to the fact that the Conscience Clause has not yet been submitted to Parliament in the shape of a Minute—a fact which is made use of to prove the arbitrary action and insidious policy of the Council Office. It is quite sufficient to quote Lord Granville's answer before the recent Committee when the same objection was under notice:—

Question 1931, by the Chairman.—"May I take the liberty of asking why, as the head of the Department, you did not in the case of the Conscience Clause, as in the case of other important changes in the practice of the office, place the question before Parliament?"—"I do not know whether I am wrong in what I have done, but I am quite ready to state to the Committee my reasons for acting as I have acted. I think that it is very important indeed, if possible, to arrange this Conscience Clause with the concurrence of the Church of England. It is very desirable, if possible, that the Privy Council, or whatever department has charge of the education of the country, should be on good terms with the Church of England; and I hope that an advance has been made with the Conscience Clause in the minds of a very large portion, not only of Church of England men, but of the clergy of the Church of England. . . . But I think that if I were to propose to lay before the House of Commons a Conscience Clause now, exactly in the shape in which it is, with rather a difficult and wavering rule as to the number of Dissenters, the first question of the House of Commons would be—'Why are any number of Dissenters to be forced either to violate their religious feelings or to be excluded from the benefit of the education which is partly supported by the State?' I believe that our Conscience Clause does not go far enough now to satisfy the House of Commons, and at present I am afraid that we should not have concurrence on the part of

“the Church of England so as to enable us to bring in a measure which would be perfectly satisfactory with respect to the Conscience Clause. On this question of religious differences I think it is absolutely incumbent upon members of the Government not to bring them needlessly forward so as to cause irritation, unless they can see their way very clearly to a settlement of them.”

1934.—“May we understand the substance of your Lordship’s answers to be that you have abstained from submitting that important question to Parliament, partly from a feeling of conciliation towards the Church of England, and partly from the opinion (which is, I think, a sound opinion) that Parliament might say, ‘If you adopt this clause you must carry it out to the full extent of the principle which it involves?’”—“I am not at all satisfied that the present way of dealing with the Conscience Clause is in such a shape as would meet with the concurrence of Parliament; and with regard to introducing that arrangement which I should like to see introduced, it has not been done, partly out of a feeling of conciliation to the Church of England, but it is also in a great hope of being able to conduct some negotiations to a satisfactory point that I have delayed asking my colleagues to assent to such a measure.”

In face of this I am at a loss to understand how the non-reference of the question to Parliament can be considered a grievance, or how an unfriendly animus against the Church of England or the National Society can be imputed to the Committee of Council on Education.

I have prefixed two mottoes to my pamphlet, which hit off exactly what I wish to be regarded as its two main points. The former of them expresses perfectly that combination of cautious but intelligent conservatism with determined, because necessary, progress, which, as I

think, has characterised the conduct of the Committee of Council in making the present proposal, and which, as I am convinced, should characterise the conduct of the Church in meeting it. The latter gives forcible expression to the thought which is, I own, the background of my own mind upon the subject. If the Conscience Clause were all that its enemies assert it to be, yet I believe it ought to be submitted to by the thoughtful and patriotic, if it tends in any degree, as I believe it does, to avert our share of that "great danger" which, as M. de Laveleye truly says, "threatens modern civilisation," and certainly none more than our own; if it tends, as I believe it does, to break the neck of the "religious difficulty" which ties our hands and clogs our feet in extending elementary education; if it thereby tends, as I believe it does, to break up the great deeps of ignorance and degradation in England.

Nor can I forbear to add that if the ecclesiastical line of argument against it be really embodied in Archdeacon Denison's seventeen reasons against it, and in his published evidence and letters and speeches in Convocation and elsewhere, then I thank him for his unconscious demonstration of its necessity; for if his own account of his own policy and practice be a fair expression of the kind of toleration for which Dissenting parents may look from the clergy of the National Church, and of the risks which attend the faith of their children, then on his own showing, and on the strength of that alone, many politicians and many Churchmen will say, Welcome, if need be, a hundred Conscience-Clauses, each of a hundred Conscience-Clause power!

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THE CONSCIENCE CLAUSE.

AN ADDRESS.

It will be quite obvious that this paper must be taken as an *Introduction*. independent argument, and not looked upon in the light of a debating reply to the speech of Archdeacon Denison, though I hope it will be found to contain answers to his conclusions. I am only anxious, in the first place, to make a remark as to the way of conducting the controversy. Sincere friends of education do not desire to snatch a logical victory over any individual or any Society, nor, on the other hand, to protect or uphold a department or an official, even if need were, but to conduce to the sound and practical settlement of a grave political question.

I shall endeavour to recall the discussion to its proper and practical basis of Principle and Fact. Under the head of the facts of the case I shall include (1) the history, (2) the terms, and (3) the practical effect of the Conscience Clause; and though much matter of principle must enter into the mere statement of these—indeed, the main principle is made manifest in all of them—I shall endeavour to reserve for separate discussion, under the head of the Principle of the Conscience Clause, several considerations involving its relation to the National Church, and its policy as a measure “necessary for these times.”

I must ask the favour of your patient attention, on the understanding that I will be as succinct as I can.

*history of the
Conscience
Clause.*

I. And first as to the history of the Conscience Clause. In this, as in every other controversy, the history of the question throws the clearest light upon its principle and intention. Its history is, in fact, its best defence, as it puts it at once upon the hard ground of practical necessity. But for this I should feel that some apology is due to many who, like myself, are ready to justify the clause upon its own merits, and are likely to be somewhat impatient of a tedious explanation of its origin. Besides, however, the general advantage resulting from such an inquiry, it alone can enable me to justify the friendly remonstrance which I believe ought to be made, and which I intend to make, against the attitude taken up by the National Society, acting as it claims to do, by its very name, and as to a great extent it practically does, in the name of the National Church.

I believe that the following will be found a perfectly accurate sketch of its general outline. The Conscience Clause is really no new thing. It is not an innovation in its essence, though a comparative novelty in its present form. Council Office, National Society, promoters of schools, have been familiar with the difficulty which lies at the root of it from the first. The earliest trust deeds published for the guidance of managers of other than Church of England schools, and even of some of these, contained a rudimentary Conscience Clause—a Conscience Clause in germ.

*the original
grant for
education.*

Up to the year 1839, the Parliamentary grant, amounting to some £30,000 per annum, appears to have been equally divided between the two societies which existed to promote education, and which were supposed to cover the whole field between them—the National Society and the British and Foreign School Society. The rather disturbed state of the country at that period caused more attention to be directed to the need of education, and in that year (April 10, 1839) her Majesty appointed a Com-

mittee of the Privy Council to superintend the distribution of the Parliamentary grant. At once the new committee decided to hand over, not the whole, but a part only, of their funds to the two societies, and to retain the administration of the remainder entirely in their own hands; in other words, they resolved to investigate and decide for themselves upon the merits of each particular case as it arose. At once that investigation involved the preliminary questions hitherto taken from the societies upon trust: "Is a school needed at all?" and "if so, of what kind?" This raises instantly considerations of the religion of the neighbouring population as yet unprovided with means of education, and of the means to be taken to extend the advantages of it, purchased by public money, to the whole of that population. Consequently, among other precedents issued in 1839-40,* one for the conveyance of a site or buildings, even for a Church of England school when not in union with the National Society, contains the following clause or provision:—

"And it is hereby further declared that it shall be a fundamental regulation and practice of the said school that the Bible
 "be daily read therein by the children, and instruction in the
 "Church Catechism and in the doctrines and principles of the
 "Church of England shall at suitable times, [so many times] at
 "least in every week, be regularly given to all the children in
 "the said school whose parents or guardians shall not on religious
 "grounds object thereto; such religious instruction to be under
 "the superintendence and direction of the minister for the time
 "being of the parish. Provided always that no child shall be
 "required to receive or be present at such religious instruction
 "whose parent or guardian shall object thereto on religious
 "grounds, and that no child shall in any case be required to

*Original Con-
science Claus*

* See volume of Minutes, &c., presented for 1839-40 by the Committee of the Privy Council on Education to Parliament, p. 102.

“learn any catechism or other religious formulary, or to attend
 “any Sunday-school or any place of worship to which respec-
 “tively his or her parent or guardian shall on religious grounds
 “object, but the selection of such Sunday-school and place of
 “worship shall in all cases be left to the free choice of such
 “parent or guardian, without the child’s thereby incurring any
 “loss of the benefits or privileges of the school the trusts whereof
 “are hereby declared.”

The bare existence of these words, in papers issued in 1840, whether they were largely used or not, is a sufficient refutation of the hardy statement that the Conscience Clause is an abrupt invention of the year 1860. But they prove more than this. For this form is stronger than the recently-proposed Conscience Clause, since it provides for the total exemption of certain scholars, in a given case, from any religious instruction whatever, which the clause now under consideration does not do. Such, however, strong as it is, was one of the trusts framed twenty-five years ago for schools of the Church of England not in union with the National Society : not, it is true, much used, for the large majority of Church of England schools have always been, and are still, in union with that society ; hence the urgency of the present dispute.

And a similar trust was used for all schools not in union with either of the two societies, being varied to meet the cases of different denominations and different schools.*

British and
 Foreign School
 Society.

With reference to schools in union with the British and Foreign School Society, which excludes all catechisms and formularies, and allows no religious instruction except reading and expounding the Bible, “the principles of the Society,” which are expressly referred to in the precedent, are *ipso facto* equivalent to a Conscience Clause, without setting it out *in extenso*.*

* See same volume, 1839-40.

But in the case of schools in union with the National Society, *National Society.* the question was always a very little way below the surface, and gradually came clearly into view. The terms of union* with that society, so far as they relate to this point, are as follows .—

“ 1. The children are to be instructed in the Holy Scriptures, *Its terms of union.*
“ and in the Liturgy and Catechism of the Established Church.

“ 2. With respect to such instruction, the schools are to be
“ subject to the superintendence of the parochial clergyman.

“ The children are to be regularly assembled for the purpose
“ of attending divine service in the parish church or other place
“ of worship under the Establishment, unless *such reason be*
“ *assigned for their non-attendance as is satisfactory* to the managers
“ of the school.”

The form of trust deed for schools in union with the National *Its trust deed* Society contains the following provision, and no other, upon the subject :—“ Such schools shall always be in union with and
“ conducted according to the principles, and in furtherance of
“ the ends and designs, of the National Society for promoting
“ the education of the poor in the principles of the Established
“ Church . . . in manner following; that is to say, the
“ principal officiating minister for the time being of the said
“ parish . . . shall have the superintendence of the re-
“ ligious and moral instruction of all the scholars attending
“ such school.”

It will be seen that these forms make no direct provision for such exemption of the children of Nonconformists from the religious teaching of the Church as is provided for by the trust deed already quoted. But it is contended that such exemption is habitually practised, and is indeed notoriously so, as a matter of discretion ; and a minor ground of the society's rejection of the clause is that it fetters the discretion of the managers, as

* As regards the charter of the Society, see *post*, p. 23, Note.

implied in Term of Union 2 ; but of that I must speak presently. My present point is that, historically, in relation to the Church, the dispute lies entirely between the Committee of Council and the National Society ; and as the dispute has arisen in respect of schools in union, or to be in union, with that body, so the controversy about them has taken the form of correspondence between the secretaries of the Committee of Council and of the National Society.

*manage-
t clauses.*

The first serious outbreak of dissatisfaction occurred in connection with what are known as the management clauses of the trust deed. The correspondence lasted from 1848 to 1850, having begun in the time of Sir J. Kay Shuttleworth, and concluded in that of Mr. Lingen. It has no material bearing on the subject of the Conscience Clause beyond bearing witness to the fact that what is known as the religious difficulty—be it with reference to management, or be it with reference to teaching—must have been and was a constant quantity in the calculations of the Committee of Council with reference to the establishment of new parochial Church of England schools ; and that in the case of the management clauses a settlement was at length effected, not indeed to the entire satisfaction of the Society, and of course not without some reluctant concessions on the other side also, yet with such practical success that it is now appealed to, though resisted and rejected at the time, and by those who resisted and rejected it, as a sacred compact which must never be modified more ! In this first instance the dispute turned on the qualifications and on the method of election of persons to serve on the committee of local managers. Soon, however, the long-foreseen difficulty was to crop up in the more formidable shape of a question how far the existence of Nonconformity in a parish only large enough to admit of one school should be allowed and required to affect the religious teaching given in such single school, being a Church of England school,

and in union with the National Society, and applying for Government aid.

The case as I understand it arose as follows :—The principal operations of the Committee of Council had hitherto been in large towns and populous parishes, where, from the facilities for erecting other denominational schools, the need of such a stipulation with regard to Church schools was obviated. Comparatively speaking, few of the smaller parishes, or one-school cases, had up to this time been helped. They now began, and still continue, to apply constantly. Moreover, Parliament began to complain of the rapidly-rising Education Estimates. I cannot now discuss the justice of the complaint, but I suppose no one would contend that the vast amount expended had produced the results that might have been expected from it. Anyhow, the first item on which the finger of economy was naturally laid was that of building two small schools in a district where, with proper regulations, it was natural to suppose that one larger one would suffice. Meantime the Education Commissioners had met, and had reported strongly against the “manifest injustice” to Dissenters “where, in places too small to allow of the establishment of two schools, the only one to which the children of the poor in those places can resort (although provided in part by public funds), is placed by the managers under regulations which render imperative the teaching of the Church Catechism to all the scholars, and the attendance of all at church.” The Committee of Council addressed itself to remedy these defects in the system. The National Society, learning from applicants to themselves for aid that the principle of the early trust deeds to which I have referred was being revived, and that the introduction of it was proposed to schools to be in union with their society, determined to resist the proposal on the ground of its incompatibility with their terms of union, and to take their stand on the trust deed accepted by them in 1850. They chose to

*Rise of the Co
science Claus
difficulty.*

*Parliament
complains of
the growing
expenditure.*

*Report of the
Education
Commission.*

regard this trust deed as solemnly guaranteed to them for ever, without making any allowance for the change of circumstances, since that precedent was accepted by the Committee of Council as a suitable condition for the receipt of Parliamentary aid.

*The case of
Llanelly.*

The most famous and typical case that had arisen was the well-known one of Llanelly, and this brought matters to a point. War was declared in the usual form, and the serious campaign, which has not yet closed, was opened, after much argument and correspondence, and some less important deputations, with an invasion of the Council Office by a very important deputation from the National Society on April 5th, 1862. The cases of grievance which they carried with them to discharge at the Lord President were four English ones, of various degrees of importance, which I cannot stop to explain. They embodied, however, more or less, the points that had been at issue in the great case at Llanelly. It was, in fact, in great measure out of the peculiar composition of the Welsh parishes that the difficulty arose in its most pressing shape, Protestant Dissenters constituting in many parishes in Wales a large proportion, not seldom an overwhelming majority, of the population. The point had, however (I may mention by the way, and I do not remember to have seen it noticed before), presented itself still earlier in Scotland, when, on occasion of the disruption of the Established Church, the Free Church was at first disposed, till held in check by the Committee of Council, to plant a new Free Church school yard-arm to yard-arm with each one belonging to the Established Communion. In the South, however, the matter came to a head in Wales, and the case of Llanelly, in Carmarthenshire, will best, perhaps, represent its difficulties. I take it because in it the case of the Council Office is the most difficult to sustain in the eyes of zealous Church people, and the common sensible acquiescence in the

Wales.

Scotland.

Conscience Clause which many men accord on the first blush of it is most easily driven into a corner. It was a case of a parish of some 10,000, with no day-school regularly attached to the parish church. A private individual had caused a small one to be opened in a dwelling-house, as a nucleus for the intended national school, and that was all. Naturally—who can reproach them?—the clergy desired to have a Church school of their own, obtained a site, and applied to the Privy Council for aid to build a school to be in union with the National Society.

The subsequent inquiries disclosed the facts that the parish and neighbourhood was *fully supplied with school accommodation* for its proportion of poor children—some said over-supplied; that the British and Foreign schools existing in the place were not full, but were largely made use of by the Church of England population—such as it was—who made no complaint of the religious instruction provided, and that the committee of management of these schools was composed indifferently of Churchmen and Dissenters, the latter, of course, being in the majority; that somewhere about 120 Church children was the maximum that could at present be depended upon for the new Church school, if started, and that these might, as a matter of fact, be accommodated in the existing schools. Moreover, a national Church school had, in former years, been built with a public grant of 200*l.*, and, after a brief experiment, had failed, the building being closed, and, at the very time of this new application, in ruins. What *could* the Council Office do? On the one hand was the praiseworthy zeal of a younger generation of clergy, and the revived interest of some of the younger local laity anxious to complete the organisation of their Church; on the other an Office constituted for the one object of making the means of education, provided from the public funds, available to the utmost possible extent for the benefit of the whole community, and not of one portion of it, and

bound to administer those funds with that economy which is the first condition of any fair expenditure of the taxes of the people. I do not use the phrase that I am about to use with the least invidious or reproachful intention, but the case was clearly one in the lay official eye of a more or less *proselytising* character. The Church promoters wished to win back to the care of the Church those children whom long neglect or other causes had alienated from her. Who shall blame them? The Council Office certainly did not: it treated them very fairly. It might have refused aid outright to build a school that could almost be proved to be unnecessary. In fact, it stretched a point in favour of the Church, and offered them an alternative. It assented to the erection of a school for 200 children in consideration of the increasing population and the consequent increase of Church people naturally to be expected, and other local circumstances; the school to be in union with the National Society, if the society would admit the following clauses in the trust deed, otherwise not; in no case without the admission of these stipulations:—

1. An equivalent version of the old Conscience Clause (already quoted), to the effect of the exemption of any children whose parents might desire it from Church of England instruction or worship (as such); and

2. That the first committee should consist of Churchmen; that it should be perpetuated by annual re-election in the usual way—but without any religious qualification or test—by the majority of the subscribers for the time being.

These two provisions were the necessary method of securing the *one object* of the Committee of Council, that the school should be adapted to its surrounding population. Unaccountably, as it seems to me (on studying the tone and the turns of the correspondence), the promoters declined these terms. Aid was refused, and the parish was thrown back, as I deliberately maintain, righteously and happily, on private enterprise for its

Church schools. Righteously, for though it was a project naturally commending itself to individual consciences, and having by parity of reasoning a claim on individual pockets, it had no point of contact with the State conscience, still less a claim, being what it was, on the State purse. Happily, for it called, as all such cases call, attention to the fact that a National Church, which is practically the Church of the minority, is a National Church only in name. It was very hard, no doubt, for the active clergyman of Llanelly, but the hardship arose from the faults of himself, or his predecessor, or the system which he had inherited, and not from the fault of the civil power, which could regard nothing but the facts of the case. For, in truth, the battle which the Committee of Council is constituted to conduct is that of Education against Ignorance, not that of the Church of England against Dissent. The discovery of this distinction should have warned Churchmen at Llanelly, and this whole controversy, as I shall assert more fully hereafter, should warn all English Churchmen, to consider their whole position, to take stock, so to speak, of their present materials and their existing machinery, to set their whole house in order !

Mutatis mutandis—this is the gist of the question raised in case after case that has been in dispute between the Council Office and the National Society any time this half-dozen years, till at last it has reached a crisis. *The present crisis.* It has become necessary that the Government should know—for the Committee of Council on Education is practically a Committee of the Cabinet—whether the Church of England intends to accept the policy which the experience of twenty-five years has forced upon the Education Department, and of which the experience of every day is demonstrating the necessity, and, I believe, the justice. No one who studies the published correspondence which has passed in the more important cases presented to Parliament, no one who reads carefully the controversy on the Management Clauses, can fail to

perceive that the present juncture has been reached by no change of policy, least of all by the arbitrary will or fixed prejudice of any individual or any ministry, but by the accumulating force of circumstances and the inevitable advance of a system along a given line of proceeding. Lords Lansdowne, Salisbury, Granville, or Russell, Mr. Lowe or Mr. Bruce, Sir J. K. Shuttleworth or Mr. Lingen, have been equally, with varying degrees of conscious co-operation, no doubt, almost involuntary agents in the acting out of a principle. In fact, the form of Conscience Clause (for an alternative is still offered) which, in my humble judgment, is most likely to be acceptable to the Church at the present moment, when one is formally adopted for Church schools, is one which shall be almost a reproduction of the original ones framed in 1839-40. And adopted I believe that some form of Conscience Clause must be and will be by the National Society, unless its subscribers prefer that all schools intending to be in union with it shall be absolutely disqualified for Government aid.

*The official
correspondence*
between the
National
Society and the
Council Office
presented to
Parliament.*

But the course of the later stages of the correspondence may be very advantageously traced. The deputation of April 9, 1862, was followed up by a letter from Mr. Lonsdale, placing on record what appeared to the deputation to have been the result of the interview.

The Secretary to the Council Office replies confirming the impression which has been received, "that no change has been made in the rules under which the Committee of Council act with reference to such cases, but that with a view to economy, and to prevent a needless multiplication of schools, more particularly in places of small population, those rules have been of late years applied with greater stringency than at first."

He next reminds them of the censure of the Education Commissioners on the cases of "manifest injustice" certain to

* Published also in the Annual Report of the National Society for 1864, pp. 38—43.

arise where a school in union with the National Society is the only school in a population of mixed Churchmen and Dissenters, and adds that nothing in the trust deed of schools in union with them at present exists to *forbid* regulations productive of this injustice, and that the Committee of Council, having no interest but that of the extension of education, must consider the risk of it.

He then adds the important fact, that a member of the deputation (Mr. Walpole) had made the "judicious suggestion that "some rule should be devised to prevent these cases of injustice." The admission of the injustice, and the prospect of a rule being devised to meet it, appears to have been the chief impressions left by the whole interview on the minds of the Council Office authorities.

This letter is written on April 16th, 1862 ; then *dead silence for a year and a-half!* I know nothing of the working of the National Society beyond what I see in print. I only call attention to the fact that after an apparent admission of injustice is made—after an authoritative suggestion of a remedy is offered on its behalf—the opportunity for initiating and (as was done in the case of the Management Clauses controversy) assuming the direction of the coming modifications of their rules is thrown away. *Silence of the Society.*

On November 29th, 1863, more than eighteen months afterwards, Mr. Lingen writes in effect as follows:—'My lords have had repeated occasion to consider the subject of my letter to you of last year. My lords have been hoping to hear of Mr. Walpole's suggestion being acted on. My lords can stand the open sore between us no longer. The difficulties in question are of constant occurrence. My lords sincerely desire to co-operate with the National Society. Sir John Coleridge has officially pronounced that your terms of union preclude a clergyman from ever consenting to exempt *any one child* at all or at any time, from instruction in any one of the three subjects specified in your terms—Scripture, Liturgy, and

Catechism. And this my lords believe to be the true legal interpretation of those terms. Hence the Dissenters in a *one-school* place, though that one school be supported by public money, may be unable to make use of it for his children.'

'This the commissioners pronounce, and it has been admitted on your behalf, to be an injustice.'

'You propose to meet it in future, as you say it is met at present, by an unqualified discretion to the clergyman.'

'This will not do. In the first place, Sir John Coleridge's limitation of that discretion makes it nearly worthless, quite so for legal purposes. In the next place, no "injustice," if such there be, should be left to individual discretion for redress.'

'We submit the following clause to your committee for consideration, since you have not devised one yourselves.'

'Henceforward my lords propose to make this clause part of every trust deed . . . where there is room for no second school. Your schools are the only ones of Protestant character in which something of the kind is not already part of the trust.'

'My lords would learn with much pleasure that your committee was disposed to consider the means of adapting its terms of union to such a measure.'

Then follows the famous clause, "being founded on Act "23 Vict., cap. 11" (the Endowed Schools Act):—

"The (*persons authorised to manage the school*) shall be bound "to make such orders as shall provide for admitting to the "benefits of the school the children of parents not in commu- "nion with the (*Church or denomination with which the school is "connected*); but such orders shall be confined to the exemption "of such children, if their parents desire it, from attendance at "the public worship, and from instruction in the doctrine or "formularies of the said (*Church or denomination*), and shall "not otherwise interfere with the religious teaching of the

“scholars as fixed by (*these presents, or as the case may be*), and
 “shall not authorise any other religious instruction to be given
 “in the school.”

Here I would leave its history,* but the few remaining letters in the correspondence to which I am referring are interesting, and to notice them here will enable me to dismiss the National Society henceforward.

The secretary of the society writes on the 16th of December, 1863, that the society will take the clause into consideration next February, and asks two questions :—

1. How will it be determined that there is room for one school only ?

2. Does the clause exempt from all religious instruction ? if not, from how much, and from what ?

The Secretary of the Committee of Council answers thus :—

1. There is no room for *two* schools if the number of children is anywhere under 150.

2. The clause is not intended to exempt children from any religious instruction that their parents are willing they should receive.†

On the 5th of February, 1864, the National Society returns *Reply of the Society.* what is really its final reply, its first and last and only answer and ultimatum—a single shake of the head, and a simple and solemn *Non Possumus* :—“ They are not prepared to alter the terms
 “ of union with the society.”

The Secretary to the Committee of Council on Education tries to make them explain themselves. “ Do my lords rightly
 “ infer that the addition of the clause to an ordinary trust deed
 “ would forfeit all or any of the benefits of union with your

* The next eight or nine pages (up to Section II., p. 24) may be omitted by any reader who feels no interest in the details of the controversy.

† See *post*, pp. 24 and 25.

“society?” He repeats the clause, and again mentions the Act of Parliament on which it is based.

Mr. Lonsdale repeats that the clause is held to be inconsistent with the charter and the terms of union, and adds that the National Society was expressly exempted from the operations of the Act which Mr. Lingen has quoted.

“*Of course it was,*” Mr. Lingen retorts; “if it were otherwise this correspondence would be unnecessary.”*

His reply amounts to this :—We are endeavouring to induce you, in the face of facts and a changed set of circumstances, and a strong drift of public opinion, to accept voluntarily a principle which has been admitted to be just in all other cases, and to some extent in your own and by yourselves. If we could *make* you adopt it, by force of Act 23 Vic., cap. 11, or otherwise, be assured we should. We are quite aware of your exemption from the operation of that Act, as well as of our own long forbearance to press you on the point, but we are convinced that that forbearance can no longer justly be continued.

* This rejoinder has been denounced as a piece of “discreditable trickery.” I cannot conceive how the accusation can seem to any one to lie. Mr. Lingen informs the society that the clause is based on the principle of a certain Act of Parliament (which no one denies that it is) for the obvious purpose of suggesting to the Society that the principle of what he was proposing had been necessarily and notoriously discussed and voted for by Bishops in the House of Lords, on the occasion of passing the Endowed Schools Bill, although National Schools were at the time exempted from its operation. The Society—again ready to impute finality to any enactment in its own favour, be it Trust Deed or Act of Parliament—triumphantly records this exception, as if the Committee of Council had presumed upon their ignorance of it, and their champion† does not hesitate to impute “discreditable trickery” to the “correspondence carried on in the name of the Committee of Council” for mentioning a plain and simple matter of fact!

+ J. G. Hubbard, Esq, M.P. *The Conscience Clause of the Education Department*, p. 33. (Masters.)

Meantime you have not answered my question : “ Be kind enough to say distinctly whether or not your committee means “ to refuse aid to any school that has adopted this clause ? ”

Whereupon the secretary to the society merely regrets that my lords should not have comprehended that incompatibility with the society’s charter and terms is *ipso facto* a disqualification for aid. He closes the correspondence by again referring to the exemption of the society from the operations of the Act (Vic. 23, cap. 11), and repeats the request that the society may be let alone, and the former practice of the Committee of Council maintained.

The Secretary of the Council adds his last words with great force on May 7, 1864. Indeed, letter No. 10 of this correspondence puts the gist of the case, so far as regards the right of enforcing on the part of the State, and the duty of accepting on the part of the Church, some such stipulation so distinctly, that I must be excused for quoting the whole of it :—

*Final letter of
the Committee
of Council.*

“ No. 10.

“ Education Department, Privy Council Office,

“ 7th May, 1864.

“ REVEREND SIR,

“ I am directed by my Lords of the Committee of Council on Education to request you to inform the Committee of the National Society that their Lordships cannot allow this correspondence to be closed without adding such observations upon the last paragraph in your letter of the 21st ultimo as may prevent it from being misunderstood by those who have not followed the whole of the discussion.

“ In that paragraph you express the hope entertained by the Committee of the National Society that the Committee of Council will cease to press the Conscience Clause, suggested in their Lordships’ letter of the 27th November last, on Church Schools desirous of being placed in union with the Society.

“ My Lords have never pressed such a clause generally on

“ the promoters of Church Schools ; but in those cases where the
 “ suggestion has been offered, it has been offered with reference
 “ to local circumstances which rendered a National School, or a
 “ National School of the size proposed, unsuitable to the religious
 “ denomination of the families relied upon for supplying scholars.
 “ (Article 22).

“ The question has in each instance been, whether, instead
 “ of simply refusing the application, my Lords could agree with
 “ the promoters upon such a modification of it as would enable
 “ the Committee of Council to entertain it.

“ My Lords have already stated that, with the exception of
 “ increased strictness in examining the preliminary statement of
 “ each case, they have not changed the principles upon which
 “ their grants for building schools are administered. They have
 “ nowhere bound themselves to make grants to build National
 “ Schools for children whose parents are not members of the
 “ Established Church, and they must leave the Committee of the
 “ National Society to consider how the society’s present terms of
 “ union, as elucidated by this correspondence, affect the establish-
 “ ment of Church Schools in those many parishes where one
 “ school only can be maintained, and where a part of the
 “ labouring population consists of Dissenters. To help with
 “ public money to build a National School large enough for the
 “ whole population of such a parish leaves the Dissenters ex-
 “ posed to a violation of their religious rights, and to help to
 “ build such a school large enough for the Church people only
 “ of such a parish leaves the Dissenters without education. A
 “ Church School, with a Conscience Clause, escapes both horns
 “ of the dilemma, but my Lords regret to learn that it is held to
 “ be inconsistent with the charter of the National Society and the
 “ terms of union.

“ I have the honour to be, &c.,

(Signed) “ R. R. W. LINGEN.

“ The Reverend the Secretary, National School Society.”

Such is the present position of the matter. The onus of proving the inadmissibility of the proposed settlement of an admitted difficulty rests upon the National Society. So does the onus of inventing a better method of effecting an indispensable solution.

A few words more, and they shall be few, on the course pursued by the National Society.

The society has laid down, on several occasions, principles which exactly meet the point in dispute.

How matters now stand.

The principle of the National Society.

In the memorandum with reference to the Management Clauses, presented to the Lord President of the Council in 1848, occurs the following statement :—" The National Society has " always abstained as much as possible from interfering with the " discretion of the local founders and supporters of schools. Its " terms of union were not intended to require any one specific " constitution or form of management, but were limited to requiring such provisions as appeared absolutely necessary to " give any school a claim to be regarded as a Church of England " school."

The discretion of managers.

A bonâ fide Church school, then, is their one object. This secured, liberty of action is the principle aimed at in the management. So far so good. Now this liberty notoriously extends in practice to the exemption of Dissenters' children from learning the Catechism and going to church. Nay, the liberty to practise this exemption is claimed in the strongest terms in another memorandum of the society of July 23, 1860. It maintains that to say "that *every child* shall be taught the Catechism, " Articles, and Liturgy is also incompatible with union as depriving the managers of that discretion which the terms of " union permit, and which has been extensively and advantageously exercised."

Exclusion pronounced incompatible with union.

Further, the principle of this exemption has been expressly admitted even by the most vehement assailants of the clause

Mr. Hubbard admits the principle.

which provides for it. Mr. Hubbard in his recent pamphlet, beating to arms against the clause, endorses the opinion which was universal among the committee and the witnesses in the late Parliamentary inquiry, that it is "an undeniable proposition, that "a parent ought to have a supreme authority over the teaching "of his children." It need not, indeed, be defended until some show of reason on the other side is made. And it is not too much to say that a view which negatively makes to any extent against such parental authority may be carried positively to the length of justifying the Mortara case and forcible baptism.

*tritude of the
ational
ociety.*

The point is that the National Society will not, as it did in the case of the Management Clauses, negotiate, and originate, and finally secure with more or less completeness an alternative more acceptable to itself. It prefers to occupy the odd position of declining to do what itself approves, for no better reason than appears than because the State asks it to promise to do so. The consequences professed to be foreseen from this promise I will presently, if time be permitted to me, show to be exaggerated where they are not wholly visionary. As for the pretended argument that what is just as a concession, may become wicked, and is certainly superfluous, as a law—if, that is, the paternal charity of the priest be exchanged for the express stipulation of the Privy Council—it is just the old argument between rulers and people of which political history is so full. It calls up the familiar vision of hollow promises and confidence betrayed, to meet which Constitutions, Concordats, and Conscience Clauses have been devised. Nor can the society now consistently venture to use it in terms, for in a memorandum (although on another subject) presented to the Lord President on April 11th, 1848, they speak of "the largest amount of liberty *compatible with the safeguard rendered necessary by the application of public money.*" And again, "they fully agree in the principle that while the "State is giving assistance, it has a

*te society
cedes the
ate's right to
pulate.*

“*right to demand ample security.*” In truth, a natural right of all the community cannot be made to depend in the case of a large part of the community on the mere will and pleasure of the clergy not of their own, but of another part of the community.

I am only concerned now to point out that the National Society, under the influence of something like this sentiment, will not formally endorse its own admitted principle nor consent to *enforce* its own habitual practice, and that, forsooth, from a feeling of ^{of} sheer conservatism and supposed consistency; and I venture to predict that if the settlement of this question, which must more or less speedily be made, should need in any way to be disturbed in ten or twenty years’ time—which I for one do not anticipate, if it be well considered and loyally accepted now—then the Archdeacon Denison of the period will be found asserting the inviolable character of the sacred compact of 1865-6. For the fatal doctrine of finality which has wrought so much mischief, and arrested so much necessary progress, in politics and in theology, will always, I suppose, have its adherents.

Yet even here the National Society is open to an answer out of *And its right
amend its
regulations.* its own mouth, having said in a letter of the secretary (March 17th, 1849)—“It may reasonably be doubted whether it be expedient
“to impose upon the founders of schools any system of manage-
“ment *which shall not be open to modification by competent authority**
“*at some future time.*” And I venture, therefore, to assume as certain that by changes in the Committee of the National Society, or otherwise, the policy of passive resistance will be now reversed, that the society will enter frankly into the discussion of

* The objection that Parliament is the only “competent authority,” and that the Conscience Clause has not been submitted to Parliament, is one that, after Lord Granville’s evidence upon the point (see Preface), I need not discuss. Those who desire it may force the question into the House of Commons as soon as they please.

the question, and will no longer refuse to sanction formally the principle and the rule which the majority of its own members practise, and which the best of its apologists defend.

alternative
conscience
clauses.

I may as well, perhaps, in this connection call your attention to the fact that an alternative of two Conscience Clauses (see note) is offered to the promoters of Church schools in parishes only fit for *one* school.*

The former of the two has been long in use, and is, in fact, coeval with the existence of the Committee of Council, and the

* ALTERNATIVE CONSCIENCE CLAUSES.

(*Old Form.*)

“And it is hereby declared that the instruction at the said school shall comprise at least the following branches of school learning, namely, reading, writing, arithmetic, geography, Scripture history, and (in the case of girls) needlework; and it is hereby further declared that it shall be a fundamental regulation and practice of the said school that the Bible be daily read therein, and that no child shall be required to learn any catechism or other religious formulary, or to attend any Sunday-school or place of worship, to which respectively his or her parent or other person having the custody of such child shall on religious grounds object, but the selection of such Sunday-school and place of worship shall in all cases be left to the free choice of such parent or person without the child’s thereby incurring any loss of the benefits and privileges of the school the trustees whereof are hereby declared.”

Or, as proposed in correspondence between the Committee of Council on Education and the National Society:—

“The said committee shall be bound to make such orders as shall provide for admitting to the benefits of the school the children of parents not in communion with the *Church of England as by law established*: but such orders shall be confined to the exemption of such children, if their parents desire it, from attendance at the public worship, and from instruction in the doctrine or formularies of the said Church,† and shall not otherwise interfere with the religious teaching of the scholars, *as fixed by these presents*, and shall not authorise any other religious instruction to be given in the school.”

† Or as the case may be.

first construction of forms of trust deed. Either clause should be regarded not as something isolated, but as part of a trust deed full of every sort of precaution for securing the Church character of a school.

The latter of the two is that proposed to the National Society by the Council Office, after eighteen months' expectation of some proposal from the society.

It is obviously stronger in two respects—one making against (if so it be), and one directly for, the National Society's view of the case.

1. It provides expressly for the admission of other than Church children, while the old form only does so by implication.

2. On the other hand, it guards emphatically the integrity of the Church teaching, and allows nothing but exceptional exemption from it.

I venture to think that if the society would discuss the question with the Council Office, the form might be even now improved by a combination of the two—at least so far as the embodiment in the clause of the old enactment that it be “the “fundamental *regulation* and *practice* of the school that the Bible “shall be daily read and taught therein.” With this proviso, I believe that the assent of the National Society and of the Church ought to be, and will be, readily given to the clause.

Here at length I leave the mere history of this vexed question, and its bearings on that association of Churchmen which assumes the direction of Church education. I do so with a most earnest appeal to the committee and the subscribers of the National Society to reconsider their position—to retrace their path of uncompromising opposition—to effect, as they easily may, another concordat with the civil power, in furtherance of the great end of popular and Christian education.*

* The *power* of the National Society to take action in the matter

II. I would pass at once to some of the larger questions of principle which are involved in the application of the clause, but that so much misconception and misrepresentation has taken place with reference to its actual terms and its practical effect, that I think it desirable, if the meeting will allow me, to deal with these in some detail. And it strikes me that the most convenient and effective method of doing so, in addressing a meeting mainly clerical, will be to meet the issues involved, at the points which have been already publicly raised, in the Church Congress at Norwich. The notable features, as you know, of the discussion there were a speech from Archdeacon Denison, containing seventeen reasons for resisting the clause, and the production of a correspondence between a country clergyman and the Council Office, which had the effect of converting a distinguished advocate of the clause into an opponent of it. And between them they raised all or nearly all the issues that can be raised, in so practical and so comprehensive a shape, that I need make no

appears to turn on the legal construction of their charter of incorporation, which is a point for lawyers, and on which, I believe, good lawyers differ. Their "terms of union" are declared by themselves to be incompatible with refusing to do what the Conscience Clause requires. It is hard to see, therefore, how they can be incompatible with promising to do it. But if they are they can be altered easily, which the charter cannot. I would remark, however, that the only words in that document having a prohibitive sound about them—"by educating the children "of the poor, *without any exception*, in the doctrine and discipline of the "Church of England" . . . "according to the *Liturgy and Catechism* "provided for that purpose"—occur not in the body of the charter, but in the preamble, which purports to be a recital of a petition from the Archbishop and Bishops. The King's decree itself merely speaks of the society as formed "for promoting the education of the poor in the "principles of the Established Church throughout England and Wales," without entering into particulars. I do not know if the recitals of a preamble have the force of law, but the whole circumstances suggest the reflection, "Where there's a will there's a way."

apology even to the most unecclesiastical lay hearer (or reader) for choosing this plan of argument or pursuing it at length. For it is to a great extent a question between clergy and laity (*pace* Mr. Hubbard), and the laity who would master it must follow the course of the clerical opposition. The correspondence with Mr. Caparn is more or less occupied with the discussion of the terms of the clause, and the interpretation of them—the archdeacon’s argument, speaking as generally, with the supposed effect of them. It is not quite easy to separate the two aspects; but I will follow the lead of these disputants. I take the terms first for every reason, but especially because they have been so remarkably misrepresented in connection with this correspondence, that to do so will best clear the ground for disposing of Archdeacon Denison’s ingenious deductions from the misstated or misunderstood terms.

Mr. Caparn, the incumbent of a rural parish, on its being suggested to him to introduce the Conscience Clause into the trust deed of a school that he wished to build, asked—

1. Whether, under the Conscience Clause, a parent might object to the teaching of the Apostles’ Creed? And

2. Whether the daily reading of the Bible could be made a rule of the school for all the scholars?

Mr. Lingen replied clearly enough as follows, on the first point :—“ I am directed to state that the Apostles’ Creed, being “ a formulary of the Church of England, might be required not “ to be taught to a child by its parents who belonged to a communion wherein that Creed is not used.” On the second :—“ I am directed to state that the clause allows the managers to “ do so, as long as the text of the Bible is not employed to “ enforce doctrine which (*ex hypothesi*) is that of the Church of “ England, but is not also that of the parent.”

He prefaces his answers with the remarkable declaration—“ I am directed to state that the object of the Conscience

*The Bible and
the Apostles’
Creed.*

“ Clause proposed to the National Society for consideration is
 “ twofold.

“ 1. To guard the religious instruction of Church of England
 “ scholars in its entirety from all interference.

“ 2. To provide for the instruction of the children of
 “ Dissenting parents in such schools, being the only schools
 “ within reach, consistently with the rights of conscience.”

And he closes his letter with a similar appeal :—“ It must
 “ always be borne in mind that the Conscience Clause does not
 “ touch the religious instruction ; it concerns only those Dissent-
 “ ing parents who may wish to withdraw their children from
 “ such instruction when it is contrary to their own belief.”

I shall venture to express plainly my firm conviction that
 Mr. Lingen’s letter, far from making the justification of the
 clause harder, puts the justice of it in a clearer light than it has
 ever been placed in before.

For it brings out the main fact that the practical object and
 intention of the clause is one, and one only. That single
 purpose is to authorise the withdrawal from religious instruction
 in Church of England schools of scholars whose parents are
 not members of the Church of England. More than this it
 neither does nor pretends to do by any positive provision. It
 leaves the religious instruction in Church of England schools,
 which is otherwise prescribed in the trust deeds framed by the
 Committee of Council, absolutely and entirely untouched. It is
 this effect of it which induces Mr. Lingen to say that the *first*
object of the clause is “to guard the religious instruction of
 “ Church of England schools in its entirety from all interference.”
 This is the result of the action of the clause,* and the statement

* I must confess that Mr. Lingen’s description of it as the primary
 object of the clause is fully borne out by Lord Granville’s evidence
 before the late committee. Nothing is so manifest from that evidence

is apparently made as a deprecatory argument to his correspondent, but it serves to enable him and those who head the controversy to accuse Mr. Lingen of throwing dust in their eyes. The clause as it stands provides simply and solely, with no *arrière pensée*, with no second intention in view, for the exemption from instruction in the principles of one creed of those children whose parents profess and wish their children to be brought up in another. That the *onus probandi* lies on the opponents of the clause, when its principle is reduced to this elementary statement, I have never heard any reasonable man deny. Whether such children as are provided for by the clause ought to be provided for in Church of England schools at all is another question altogether. But none who apprehend the office of a National Church will, I think, doubt that all should be included in her schools who will come; and to this end it is necessary, in the present day, that the rights of conscience should be formally recognised and guaranteed. The very outcry, if the duty be admitted, proves the necessity of the stipulation.

But the unreasonableness of that outcry will appear more clearly from the specific questions put to Mr. Lingen by Mr. Caparn. To begin with, they are not so much *bonâ fide* statements of practical difficulties that had actually arisen in a given case as ingeniously put dilemmas, so framed, in perfect good faith (I do not hesitate to believe), as to put the clause in the most invidious light, and to bring the most discredit on its authors and abettors, and partaking so plainly, however unintentionally, of the nature of traps, that I wonder Mr. Lingen ventured so far into them as he did. The two questions and their answers have been so grossly misrepresented that I repeat them. They were these:—"In a school which has inserted the Conscience Clause

*Mr. Caparn's
questions.*

as the desire of the department to conciliate and protect the Church of England.

“in its trust deed; may the Apostles’ Creed be taught to all the scholars? and may it be made a rule that the Bible be read by them all?”

Now, the clause does not affect the religious teaching, except by exemption from it. But proposed for a lawyer’s interpretation, it was impossible to avoid answering the questions so as to incur the accusation of greater laxity than the clause really effects. Had the Apostles’ Creed and the Bible been on the same footing in the trust deeds of a school, it would have been fair to reply—

“I cannot really answer you, for the Conscience Clause has nothing to do with the details of your religious instruction; teach what your principles require and what your trust deeds allow. This clause does not interfere; it only provides that a child may be withdrawn from it, if the parents choose, without thereby becoming liable to be turned out of the school.” And this is, in effect, Mr. Lingen’s answer in the case of the Apostles’ Creed:—“I am directed to state that the Apostles’ Creed, being a formulary of the Church of England, might be required not to be taught to a child by its parent who belonged to a communion wherein that Creed was not used.” *Of course. What else is the Conscience Clause for?* In a word, a most extreme case is put, and the general effect is inferred from that. The formulary, which scarcely an English Dissenter would object to, is selected *ad majorem invidiam* in order to drive the Secretary of the Committee of Council to say what every one knew beforehand he must say, that *quâ* formulary of the Church of England (which it is not *distinctively*), a scholar must be excused from learning it if his parents objected to his doing so. How could Archdeacon Allen be for a moment turned aside from his own previous judgment on the merits by such an inevitable answer to such a manifestly misleading question?

Mr. Lingen’s
reply as to the
Apostles’
Creed.

His reply as to
the Bible.

The case of the Bible is different. The invidiousness of the question is more subtle; the answer was proportionally more diffi-

cult to give. The reading of the Bible is provided for, as the basis of the religious instruction to be given, in the trust deeds of every Church of England school in union with the National Society. (*Supra*, p. 5.) And in the case of Church of England schools not so in union, that rule is established by the provision that the instruction be under the clergyman's control. Of this Mr. Lingen's interrogator must have been perfectly well aware. So he frames his question thus :—" Does the clause allow the " promoters of the school to make the daily reading of the Bible " by every child that can read an absolute rule of the school ?" *Allow* them ! Why, it supports and strengthens a clause which *binds* them to do so. The reading of the Bible is otherwise provided for, and this clause does not touch that provision. It can and does only effect one thing—the withdrawal of a child from religious instruction of a special kind at the parent's option. It does not allow the parent to withdraw his child from the reading of the Bible *simpliciter*, but only, as Mr. Lingen says, from the inferential teaching from it of " doctrine which, *ex hypothesi*, is that of the Church of England, but is not also " that of the parent." Here, too, the answer is a matter of course, and did not need to be given to any one who can read and understand the clause without desiring to find fault with it. The practical effect of this provision I will discuss and illustrate hereafter.

I have not, however, stated the whole of the case as between Mr. Lingen and Mr. Caparn ; for it was (as reported in the papers) made to appear at Norwich that Mr. Lingen had answered both questions in the negative, that he had declared the clause inconsistent with the teaching of the Apostles' Creed in general, and the reading of the Bible in Church of England schools at all. And so Archdeacon Allen understood it, and acted upon that understanding. Whereas I think I have made it clear that the letter of the Secretary to the Committee of Council did

Misrepresentation of these answers at Norwich.

nothing of the sort, but only said that the one *might possibly* be objected to, and that a particular method of conveying the other might also perhaps be objected to, but only in certain circumstances, which he and his questioner and everybody else knew perfectly well are almost certain never to arise ; while, on the other hand, the maintenance of this shadowy right, if such it be, in practice conciliates Dissenting parents, by conceding a natural right dear to every parent, especially the religious parent, has procured the erection of many schools which would not otherwise have been erected, and enables the dispensers of the Parliamentary grant to feel that they are carrying out the first condition of their trust, namely, making effectual provision for the education of *all classes* of the community.

Such is the literal interpretation of the actual terms of the Conscience Clause. In a word, everything may be taught to a scholar to which its parent does not object. The only limit to the discretion of the clergyman is the discretion of the parent ; and the discretion of the parent is limited to a veto upon distinctively denominational doctrine, and upon that alone. Thus, although a parent might conceivably object to the teaching of the Creed, he *could not* withdraw his child from the mere reading and exposition of the Scriptures.

Sir John Coleridge's letter.

I cannot, in an assembly of Churchmen, turn away from this question of the interpretation of the clause without referring to a letter on the subject bearing the well-known initials " J. T. C.," which made a great impression on me at the time of its appearance in the *Guardian* newspaper, and which has since been published in Mr. Hubbard's pamphlet, with the sanction of its honoured writer, Sir John T. Coleridge. This letter, I confess, astonishes me. " J. T. C." says, " I am afraid, therefore, that we must " take Mr. Lingen as announcing in effect this : that any clergy- " man accepting the Conscience Clause is prohibited from teaching " to the children of Dissenters, however numerous they may be

“in his school, and *however willing their parents may be*, the ‘Apostles’ Creed, and equally from explaining to them the Holy Scriptures.” “However willing their parents may be!” Why, with parental willingness, he may teach them the Athanasian Creed as well as the Apostles’! “Prohibited from explaining ‘the Holy Scriptures!’” Why, that “fundamental regulation ‘and practice’ is untouched and unaffected by the Conscience Clause. Indeed, ‘J. T. C.’s” own candour bears witness against him in the next paragraph.—“Now, Mr. Lingen was asked as ‘follows by the Education Commissioners, on the 30th November, 1859 (454, 455) :—‘The general offer (*i.e.*, offer of aid) does ‘not apply to *secular* schools?’ He answered, ‘No. *The Bible must be taught*. The school must either belong to one of those ‘denominations which the Committee of Council has expressly ‘recognised, or it must put itself under the Minute of the 3rd ‘December, 1839, *which provides that religious instruction shall be ‘given out of the Bible*. A secular school professing that it did ‘not give religious instruction would not be admitted to aid—‘that point has been ruled several times over.’ Again (459) he adds, ‘The Order of Council 3rd June, 1839, says in the ‘name of the Committee, ‘We are desirous of furthering your ‘Majesty’s wish that children should be duly trained in the ‘principles of the Christian religion, while the rights of con- ‘science are respected.” I think the Committee has always taken ‘these words as the guiding principle of their action.’” And yet in face of this official evidence—in face of the strenuous reclamations of the department against the imputation of any change of policy—“J. T. C.” lends the sanction of his name and character to the assertion that the Conscience Clause altogether forbids the teaching of the Creed, and the exposition of Scripture, which it manifestly and avowedly *vi terminorum* does not do !*

* Strangest of all is the circumstance that Sir J. Coleridge, in permitting Mr. Hubbard to print his letter, admits that it was written in

The effect of the clause.

III. I pass now to a wider consideration of the effect of the clause, real or supposed ; and I think I can best vindicate this, apart from particular instances, by discussing *seriatim* the Arch-deacon's seventeen reasons against it, which, if your patience be not exhausted, I still propose to do.

I am anxious, however, before doing so, to give a single illustration of its working that has come within my own knowledge, by the light of which we shall be better able to estimate the worth of the alleged inconveniences or grievances of its operation. The case to which I refer is one of the introduction of the clause into the trust deed of a school in the diocese of London.*

The Conscience Clause in towns, or other large parishes.

I am quite aware that the introduction of the clause in this class of school is made use of—indeed, this particular instance was made use of, if I mistake not, at Norwich—to show that the Council Office is not sincere in saying that the need of it arises in small country parishes. In this case, as a matter of fact, the clause was voluntarily introduced, proposed, and decided upon for reasons which will presently appear, before any communication was made to the Council Office at all. But the objection in other cases may be met in this way. The clause will often be called for now-a-days in large and even in town parishes for this reason. The bulk of the population is already provided with the means of education, but the residue for whose education aid is now asked is of a mixed religious character, presenting all the features of a small country population. It is easy to understand that

haste and upon imperfect information ; but prefers, though he “might have modified” it, to allow it to be used for a controversial purpose in its original form.

* I may remark here that London is the last place in which the clause could ever be enforced, from the abundant opportunities of denominational education. I am told that, as a matter of fact, it has never yet been proposed for adoption in a single school in London.

when each denomination is provided with school accommodation for the bulk of its own scholars, the general remnant unprovided for will still include some of each. Hence the clause is just as applicable to this section of a town population as to the smallest one-school parish in Wales. Moreover, many managers—I believe an increasing number both in town and country—will, as time goes on, voluntarily introduce the Conscience Clause, whether pressed upon them by the Council Office or not, as a safe bar to future bickering—as a relief from the exercise of a difficult discretion—as a means of conciliating and comprehending all the sections of a parish—as a bond of effective combination in the deeply-needed work of extending elementary education. The grounds on which the clause is asked for do not, therefore, disprove those on which it was first offered.

The case, however, to which I refer is that of Trinity *Schools of Holy Trinity Parish, Hoxton.* Church District, Hoxton.

It is the case of a populous district of upper-working-class artisans and lower-middle-class tradespeople, mainly Dissenters, to one of whose denominations the chief local employers of labour belong. Yet it had remained without any day-schools whatever. A City missionary has the credit of stirring up the inhabitants to a sense of their responsibility. The matter was well advanced upon the appointment of the Rev. T. Fowle as curate in sole charge. The incumbent gave up, with the sanction of the bishop (to whom the plan had been referred), a portion of the glebe as a site for the intended school. The Dissenters' influence and support was conciliated by the proposal to adopt the Conscience Clause in the trust deed of the school, and not exclude them from all share in managing it. The first committee comprised one-third Dissenters. Yet Dissenters raised nearly half the funds, £500 being contributed twice over by the same Dissenting firm. And £200 was raised for the building from the small householders of the District, being Dissenters, a

large portion of it being actually collected upon cards by the local Dissenting Ministers themselves ! Nor has their interest ceased with the first opening of the schools. £100 was raised for the expenses of maintenance of the first year from a population such as in other parts of London we should think unable to produce £10, and, I am told, without any difficulty whatever. In a word, the support of the most impracticable type of population has been thoroughly enlisted on behalf of these schools.

*Practical
working of the
clause.*

Nor is the smooth working of the schools confined to the pecuniary aspect of it. The Conscience Clause has wrought no such confusion as has been anticipated from it. The curate who has charge of the school retains the conduct and control of the religious lessons. And prizes for the knowledge of the Catechism are given in each standard at the year's end. The method of giving effect to the clause appears to be that the exempted children are set to write out some exercise of a religious character upon their slates while the Catechism class goes on. The parents of eight boys and four girls, or four per cent. of the total number of scholars (300), have claimed the exemption which the clause allows—that is to say, they have said, on bringing the children, or have told the children to say, that they wished them not to learn the Catechism, and even this stipulation was not elicited in the case of all of them till the clergyman, feeling bound to act up to his own promises, instituted an inquiry throughout the school. The demand was scarcely in any case wholly spontaneous. To the objection to this, that if it be so little used it is hardly worth while to make the concession, the reply is that which I have given—see the confidence and harmony which it conciliates ! And on the part of the Church authorities, I may add that the gain to them is thus described by Mr. Fowle, who has had experience of a mixed country-town parish with schools on the old footing :—The clergyman is

relieved from the exercise of his discretion, which under the old system was constantly demanded of him ; Dissenters are deprived of a ground of complaint which they otherwise frequently take up ; the support and confidence of the lower middle class, that most difficult class of the community, appears to be effectually attracted and secured.

The first annual report, under the signature of the curate in charge, thus speaks of the success of the experiment :—“ The committee think it right to add that they are perfectly satisfied with the working of the Conscience Clause in their trust deed, whereby the advantages of the school are legally secured to the children of Dissenting parents, and cannot refrain from expressing a hope that other Church of England schools will more largely follow their example.” And I believe that other generations besides our own may possibly read the inscription upon the walls of those schools as an unconscious monument of a feud that has burnt itself out, and as marking a turning-point in the history of popular education in England. The dignified record of this successful experiment is as follows :—“ To the glory of God and *for the benefit of the children of the poor of all religious denominations*, these schools, built mainly by the employers of labour in the neighbourhood, upon ground given by the incumbent of the parish, were opened by the Bishop of London on the 25th day of May, 1864.”

We will now proceed to examine Archdeacon Denison's “seventeen reasons why the Church of England may have nothing to do with any manner of Conscience Clause.”*

* I feel convinced that it will not be a waste of trouble to refute these allegations one by one. Strange as it may seem to the statesman or the political student, I believe that many of them will be heard of again in Parliament as well as in Convocation. Indeed, I have been assured by a prominent opponent of the clause, both in and out of Parliament, that he thought only one of them unsatisfactory !

Reason 1.

1. "Because the Church—having agreed in 1839-40, and subsequently in 1847-52, to receive from the State grants towards building schools upon the definite basis and express understanding that there was to be no interference of any kind on the part of the State with the course and order of her teaching in such schools—may not now help the State to do wrong in setting up a claim so to interfere, and in making the recognition of such claim a condition of grants."

Answer.

I understand by these dates the periods at which the original draft trust deeds were under discussion and that during which the Management Clauses controversy was running its course.

I deny both the "*understanding*" and the "*interference*."

1. As to the "*understanding*" that there was to be no "*interference*," I find that the following words were put into the mouth of her Majesty by the Government of the day, in the Order of Council appointing the Committee of Council on Education:—"Her Majesty's wish that the children and teachers instructed should be duly trained in the principles of the Christian religion, *while the rights of conscience should be respected*." This point of respecting conscientious differences of opinion has never been withdrawn; it has always been kept before the eyes of the Church and the National Society in trust deeds and management clauses. Till the constitution of the Committee of Council, the National Society and the British and Foreign School Society had been unreservedly trusted. When a special board of administration was appointed *ad hoc*, the point was recognised in the terms of their appointment; they walked straight up to the difficulty; they laid hold of it; they never have, and they never will, let it out of their grasp. An "*understanding*" that the Church was *to do as she pleased* with the money given by Parliament for education never was, never could have been, never can be, given.

2. Next as to the "*interference*." Interference in the sense

of attempted modification of the Church's teaching has never been, and I believe never will be, attempted—is certainly not claimed by the Conscience Clause. The spiritual responsibility of the Church has been recognised throughout the correspondence of the Committee of Council, and is asserted in Lord Granville's evidence before the recent committee, as unassailable. The proposed Conscience Clause guards and guarantees it in express terms. There is no *interference* with it at all; but in order to avoid such interference as might arise (say from having to allow an unbaptised or a lay-baptised child to omit such parts of the Catechism or other formularies as would be simply untrue in his particular case, or other discretionary modification at the instance of an individual objector), a simple demand is made for the *exemption*, in all cases, of such children from such instruction, if their parents desire it; and that in return for a definite *money consideration*, inalienably made for the benefit of *all*, religious differences notwithstanding.

2. "Because the Church may not help the State to occupy a *Reason 2.*
 "position hitherto never occupied or pretended to be occupied
 "in England by the civil power, one which belongs of God's
 "gift and ordinance to the Church, and which does not belong
 "to the civil power by any gift or ordinance either of God or
 "man. I mean the position of defining and regulating the
 "matter and the manner of Christian teaching in parish schools
 "or in parish churches."

The State does not in the Conscience Clause ask the Church *Answer.*
 to help it to do anything of the sort. I pass by the statement
 that "the position of defining and regulating the matter and
 "manner of Christian teaching in parish schools and parish
 "churches" "belongs of God's gift and ordinance to the
 "Church." It is of course, in a certain general sense, true.
 But it is an oddly verbose amplification of the brief Divine
 precept—the single sentence of Christ's which is held to cover

the work of the parish school—"Feed my lambs." And it must in no wise be pressed to the point of contravening that other evangelical maxim of education—may I call it the first Conscience Clause?—"Suffer the little children to come unto me"—
 "Καὶ μὴ κωλύετε αὐτὰ"—*hinder them not!*

Let that pass, however. The State has certainly claimed no such authority in the controverted clause. As to the *matter* of Christian teaching in schools, the State has left, leaves, and expressly proposes to leave, it wholly untouched. The State merely claims as regards the *manner* of it, to define and regulate certain circumstances in which certain parents may claim that a certain form of that teaching which they disbelieve shall not be taught at all to their children.

One may add, however—since the Archdeacon has suggested the analogy of "parish churches"—that the State of England—by which I understand the totality of the nation, has gone so far as to "define," or at least to legalise a definition of, what the manner of Christian teaching shall be—at all events so far as to "regulate" the expression of it in outward act and worship, by legalising the Book of Common Prayer, and by enacting that the matter of the minister's teaching shall not contravene or "deprave" those formularies, or the Articles of Faith appended to them and legalised with them. So that the assumption of defining the manner and also the matter of Christian teaching in schools would be no such unheard-of pretension on the part of the State if it were made. As a matter of fact, however, at present it is not, and the Conscience Clause expressly avoids making it.

asons 3 and 4.

3. "Because the Church may not do harm to the souls of the
 "children of the Church by putting before them in her daily
 "practice that the 'privileges' of a school do not necessarily not
 "only include, but flow out of and depend upon, the teaching
 "of religious truth."

4. "Because the Church may not do harm to the souls of children not of the Church by putting before them in her daily practice that reading, writing, and arithmetic are essential parts of education, but that religious knowledge, with its close application to every part of the daily life, is not."

I take these two arguments as to the effect of the clause *Answer.* upon the two classes of children concerned together.

Archdeacon Denison is playing with the word "privilege." The Committee of Council means by "privileges of the school" its educational advantages of learning and mental cultivation. The Archdeacon means by the word those advantages which undoubtedly result from a direct reference of every good gift to God, and from bringing out the truth that our common right to all the cultivation possible for us, and all other effects of education, arise from our common membership of Christ. But I do not see that he cannot bring the consideration of these privileges to bear without the Church Catechism or the distinctive doctrines of the Church of England.

And in the lower sense of the word "privilege," I maintain that if it is of any advantage to assert that Church teaching is a privilege, this rule providing for exceptions makes it easy to treat it in the very way best calculated to bring out its character as a privilege, and with probably the best results.

On this point I will ask the Archdeacon to listen to Mr. Chester, who, in a letter to the *English Churchman* a dozen years ago, which breathes throughout an air of most sincere and earnest orthodoxy, speaks of the alleged danger to the children themselves from that voluntary exemption of children of Nonconformists from learning the Catechism which was then under discussion :—"I have often heard different anticipations of the evil that must result to the Church from such a course as that which I suggest ; but while I never heard of a single case in which such evils had really occurred, I have heard of many

“in which excellent results have arisen. Not only have converts “from Dissent been obtained by this means, *but the Church principles of the school* have been more *clearly defined, brought into relief*, and ingrained in the Church children, in consequence of “the difference of treatment between them and the children of “Dissent.” This surely stands to reason. And if any one replies that, after all, *not* having to learn the Catechism is certain to be more popular, prized as a greater “privilege,” than having to learn it, and that there is more chance of the exempted children pitying the catechised than the catechised the exempted, I would ask him, Did he never see or hear of the effect of setting up a special department or a modern section in an old-fashioned public school? Surely it would be a long time before Non-conformist children had by any means the best of it in a Church of England school. I am aware that the objection raised goes deeper than this, but I seriously answer the Archdeacon by saying that he is not called upon by the Conscience Clause to deny that the Catechism is a “privilege” and “essential;” on the contrary, it gives him the opportunity of putting the “essential” nature of the “privilege” in the clearest light he can possibly contrive.

Reason 5.

5. “Because the Church may not minister to the delusion that “the reading of the Bible is the same thing with teaching and “learning religious truth.”

Answer.

The Church is not asked to do so. Nor am I aware that the opinion which the Archdeacon describes as a “delusion” is ever maintained by the advocates of the Conscience Clause, viz., that bare reading of the Bible is equivalent to teaching and learning religious truth. I do not suppose, however, that the Archdeacon means to deny that such reading is a very essential element in that teaching and learning. We need not, however, discuss it. No clause, no rule, no interpretation has ever limited the religious instruction to reading the bare letter of

the Bible. Even in British and Foreign Schools exposition of it by the master is fully recognised. Indeed, any other rule is not so much absurd as impossible.

The clause remains in the trust deeds of schools in union with the National Society that the moral and religious superintendence of the school shall be in the hands of the clergyman, the Society's terms of union remain, that the children "are to be "instructed in the Holy Scriptures;" and, as Mr. Lingen tells Mr. Caparn (*supra*, p. 25), it is only proposed to give parents the right of complaint when such reading and exposition is made use of to inculcate "doctrine which *ex hypothesi* is that of "the Church of England, but not that of the parent." And in order to sustain such a complaint, and to bring the school under forfeiture of its grant from the Committee of Council, a troublesome process of proof must be gone through, which is not at all likely to be undertaken by the class of parents concerned, who are for the most part satisfied with the bare concession of their right in question. In other words, I believe that the Conscience Clause would leave the Scripture lesson the unchallenged domain of the clergyman.

At the same time, I see, of course, the *point of honour* that is raised; and I can understand men who knew that they were going to expound the third chapter of St. John in the sense of baptismal regeneration, feeling it their duty to remove certain Dissenting children, if they knew them, from the class. Many clergymen, in fact, I know would rather exempt Nonconformist children from all religious instruction whatever than exempt them from learning only part of what they hold as truth. I do not agree with them, but I feel the unsatisfactoriness of their whole position, and I maintain that the unsatisfactoriness, whatever it is, is in ourselves, and not in the clause—in the Church's actual position, and not in the State's requirements—and that it must be remedied by conciliating the Dissenters to the Church,

not by quarrelling with the State for pointing out the unsatisfactoriness to us, and requesting us to make an attempt at conciliation.

Reason 6.

6. "Because the Church may not minister to the delusion that "it is lawful to do that in a parish school which it is not lawful "to do in a parish church."

Answer.

I confess I am surprised at this so-called reason, which is to be "proof against argument or sophistry." It does not specify *what it is* that the Archdeacon thinks so wrong in either Church or school. Many things are so, no doubt; but to say, as these words do say, that *nothing* may be done in a school that may not be done in a Church is nonsense. Why, then, are the two buildings provided? But to put the most favourable construction on his words—viz., that there are no degrees or qualifications in the teaching of Christian truth—I ask, did he never hear of *special services* in a church? of sermons directed to one particular kind of audience? of sermons for children, sermons for men, sermons for women? Did he never, to come nearer the point, hear of "economy" in preaching? Did he never hear of the difference between the *fideles* and the *catechumens*? If distinction between children and children in the school is wrong, at least it cannot be so because such a distinction was never heard of or admitted in the Church!

Reason 7.

7. "Because the Church may not place the parish priest in "the false position of superintending secular education in the "case of any one child in the parish school."

Answer.

She does not do it, and she is not asked to do it. She binds him, through the National Society, "to superintend the moral and "religious instruction of the children." The State binds him to

* For this argument fully worked out see *The Conscience Clause : Its Meaning, Its Authority, Its Use*, by the Rev. D. Melville, Rector of Great Witley (Rivingtons), whom I might have added to my clerical advocates of the clause (*v. post*, p. 69) had I seen his pamphlet before these pages were penned.

exempt certain children from certain parts of it, never from the whole. I have allowed that I can realise a case in which a clergyman might prefer to teach a child no religion at all to seeming to exercise any *reserve* in his teaching. But I own that it seems to me exactly a case for the exercise of that practical philosophy which holds (I mean nothing offensive by the quotation)—

“That he’s a fool

Who does not know the half is better than the whole.”

Better, I believe, because the “half” measure of exempting some children from inapplicable or unwelcome teaching is better than the coveted “whole” of teaching all of them doctrine which is untrue to some, or disapproved by the parents of some; better, because symmetry of system is often a snare, and induces complacency where none is justifiable, whereas the very occurrence of these rare exceptions, which prove the general rule, will reveal to the Christian minister and set him to grapple with the mischief which produces them, but which he has no right to ignore, nor to coerce to his will.

8. “Because the Church may not place the parish school- *Reason 8.*
“master in the false position of separating between the religious
“and the secular teaching of the school.”

Nevertheless, I suppose he *does* separate them. They are *Answer.*
not, cannot be, taught together. Of course I know their abstract connection, but in the practical mechanism of an individual school I suppose there is no help for their taking different positions on the time-table, no means of obviating the necessary orders, “Close spelling-books : Catechism class, come up !” And with this inevitable line drawn in practice, I am wholly unable to see the deep departure from good principles in the master’s adding, “A, B, C, D, take your slates, and
“write out a psalm or hymn from memory, while the others
“say their lesson.” It is notorious that the much-debated Catechism is the only one formula likely to be excepted to, and I do

maintain that it is over-sensitiveness, a misplaced sense of honour, which is loath to teach the Bible where it may not teach the Catechism—which will not allow sectarian prejudices to lie at rest when they would—which will not let the schoolmaster, being a Churchman, teach like a Churchman while he may, ignoring, except in certain specified particulars, the differences of religious opinion. It is the very spirit which produces Dissent in the first instance, which will not let it die a natural death when it might do so. No doubt this practice might be inconvenient, no doubt it would bear witness to something wrong somewhere; but let us fight the mischief, not the evidence of it.

*Reasons 9
and 10.*

9. “Because the Church of England may not of her own act and deed place herself in a position at which the Church of Rome can justly point the finger of scorn as untrue and faithless—in one word, as un-Catholic.”

10. “Because the Church may not seek or hope to win the respect and confidence of the Nonconformist by being faithless to her trust.”

Answer.

It is not because I am insensible to the importance of standing well in the eyes of any Christians that I own myself impatient of this nervous reference to the criticism of the Church of Rome—*i.e.*, of Roman Catholics in England. I will not say that Rome’s finger of scorn would be a tribute to the soundness of our position, but I do protest against the notion that the Church of Rome is to be looked to as having the right to acquit or condemn us. Let her see us cease to emulate her own exclusiveness; let her hear us rebuke her ludicrous inversion of her own noble name of Catholic; let her learn from our tone and from our policy that it is only Greek for universal.

However, let the Church of Rome point as many “fingers of scorn,” and call us as “un-Catholic” as she pleases, she cannot do it with consistency on this point. The distinction between secular and religious instruction is recognised in the fullest terms in the Minute (of Dec. 18, 1847) under which a

Roman Catholic school is admitted to aid. Art. 2, "That " Roman Catholic schools receiving aid from the Parliamentary " grant be open to inspection, *but that the inspectors report respecting the secular instruction only.*" And this is acted on without difficulty or complaint, and a late Roman Catholic inspector, T. A. Marshall, Esq., describes the working of it in a Report to the Committee of Council (Vol. II., 1848-9-50, p. 520) in terms which not only recognise to the full the main principle of the Conscience Clause (*viz.*, parental responsibility and authority), but indicate a practice which goes far beyond it, and, in fact, corresponds in principle with the American system, which relegates all religious instruction to the Church and the Sunday-school :—

" The universal rule is (for I have not met with a single " exception), that in no case do they receive religious instruction " without the express sanction or request of their parents, and " that either they are at liberty to absent themselves from the " school altogether, when it is communicated, *or else the Catholic " children are withdrawn to some convenient place — commonly to " the church or chapel*—in order to be instructed apart." And the same gentleman, in his evidence before the Education Commission,* asserts that discretionary exemption of some children from religious instruction is the rule—a rule which is equally obnoxious to Archdeacon Denison's condemnation with the Conscience Clause itself. For he repudiates, and in his own practice refuses to exercise, not only the form and manner of the concession embodied in the clause, but the thing itself, no matter in what shape.

Question No. 1353, by Rev. W. C. Lake.—" Does the Roman " Catholic Church by its authorities lay down any stringent rule " that it is necessary for children receiving the secular education at " a Roman Catholic school to receive the religious education also?"

* Report of Royal Commissioners on Education. Vol. VI., p. 176.

Answer 1354.—“No; it leaves a discretion to the local “managers, who either impose the religious instruction or not, “as they think fit.”

All this may be very “untrue” and very “faithless,” but as a matter of fact the Roman Catholic body in England does act in this “un-Catholic” way, and inquiries have satisfied me that this exemption is honestly exercised to a large extent. The number of Protestant children in Roman Catholic schools is surprising, and though it would be absurd not to suppose that many converts are thus made, still it is not the uniform result. Pupil-teachers have entered Roman schools as Protestants, and left them as Protestants.* And I heard the other day a good story in illustration of the system. A Roman Catholic clergyman was going a journey, and the Sister in charge of his school said to the children, “Let us all say a prayer for Father ——’s “safe voyage and return.” “That I won’t,” said one urchin, “for mother told me when I come to pray for nobody but God!” I quote this, not as a proof of the orthodoxy of the domestic theology of all Protestant parents, but in evidence of the kind of freedom which is practised and tolerated in Roman Catholic schools. And I have seen it shrewdly suggested that it might be quite possible to induce the Roman Catholic body to outbid the Church of England as the “denomination” readiest to educate Nonconformist children under cover of a Conscience Clause. It would be odd policy for the Church of England to profess herself less free or less disposed to accept it. Rome is certainly no more prepared to say that she cannot teach spelling and ciphering without teaching the Immaculate Conception than she is to recognise the infallibility of the Archdeacon of Taunton.

As to Nonconformists, I should be glad that the Church of England should have their respect and confidence, of course;

* *Ibid*, p. 175.

but I do not believe they would give it her, and if they would, I only know *she must not have it*, for maintaining that, to be faithful to her trust, she is bound to teach all Christian children doctrines which some Christian parents do not wish them to learn.

II. "Because the Church may not do anything to compro- *Reason 11.*
 "mise the principle that, without the steady inculcation of dogma,
 "school teaching is no blessing to parent or child, but the
 "reverse."

Whether she may do so or not, I am inclined to think that *Answer.*
 the Church of England *has* done, and *is* doing, a good deal to
 compromise this principle. And I do not believe she will retrace
 her steps because Archdeacon Denison says she must. Nor can
 the National Society, considering her licence—nay, recommenda-
 tion—to managers to suspend the "steady inculcation of dogma"
 at their own discretion, escape the terrific imputation! (*Supra*,
 p. 19.) "Steady inculcation of dogma" is not the basis nor
 the method of education among any Protestant Christians, nor
 among many Roman Catholic Christians, nor do I think it is
 likely increasingly to become so among ourselves. Of course,
 the very words set modern teeth on edge—"steady incul-
 "cation of dogma." But allowing for the irritating sound of
 them, and recognising the scintilla of truth which they embody
 —viz., that you must teach children something—I maintain
 that reading and explaining the Bible will supply you with
 all necessary and reasonable opportunities for teaching children
 Christian truth, and I even venture to think that training
 children upon such "steady inculcation of dogma" as you can
 find in the Gospel history, and teaching them such catechisms of
 Christian doctrine as are to be drawn from the Sermon on the
 Mount and from the parables and discourses of our Lord, may
 possibly be productive of as much "blessing," both to parents and
 children, as even the admirable compilation of Bishop Overall.

Reasons 12
and 13.

12. "Because the Church knows that there are two things
"in the matter which she may and must do. First, bring up her
"own children in the one faith, to do their duty in that station
"of life to which God has called them. Second, bring children
"who are not yet her own to be of the one faith."

13. "Because the Church knows that there is one thing in
"the matter which she may *not* do—*i.e.*, teach any child anything
"apart from or independent of the one faith."

Answer.

These two reasons, which I take together, are imposing from the sound of the words, "the one faith;" but they are also imposing in another sense. Granted that the "one thing
"which the Church may and must do for her own children" is to "bring them up in the one faith, and to do their duty in
"that station of life to which God has called them." There is here no question of her duty towards her own children. The Conscience Clause only affects her conduct to those who are not her own. As to them, Archdeacon Denison says, "Second,
"to bring children who are not yet her own to be of the one
"faith."

It is impossible to discuss now all that may or may not be included under the phrase, "the one faith." It is enough to reply, that to proselytise is NOT the one thing which the National Church may and must do towards children not yet of her own faith. The Archdeacon may say that he is not talking of the National Church, but of the Catholic Church. He *is* talking expressly and exclusively of the duty of a National Church; but never mind that. I deny that it is the duty of any one branch of the Christian Church to proselytise from another. He surely will not say that English Dissenters are in no sense members of the Christian Church! If they are not, then are Roman Catholics in England in no sense members of it? Or are Roman Catholics in England better members of the Church than Protestant Dissenters? or is the Church of England alone the

Catholic Church? Be this as it may, if proselytism were never so sacred a duty, it would never be right to associate it with education or any other external good. For that reduces it to mere commonplace bribery, which, as such, is repugnant to every upright mind.

As to the second position, that the Church "may not teach" "any child anything apart from, or independent of, the one" "faith," we may at once refuse to be misled by any such high-sounding phrase. She does so already; she must do so always. Spelling is "apart" from the faith, sewing is wholly "independent" of it. The only question is, how far it is possible and lawful to carry that distinction between sacred and secular learning which every one well knows to exist. The difficulty will not be solved by confounding the two spheres of knowledge together with a view to rhetorical effect. What I wish to impress upon Archdeacon Denison and his followers is this—that their resolute refusal to recognise any such distinction is likely to drive, has driven, and is driving, many zealous educationists into the support of purely secular education. If the religious difficulty is hindering the work of education, then, they say, away with the religious difficulty; limit religion to the Church and the Sunday-school, and give an education uninterrupted by sectarian interests. I am far from accepting this solution. I believe the public mind is farther still from adopting it. But I know whose fault it will be if it is adopted.

14. "Because it is one thing to admit a child of Dissenting *Reason 14.*
 "parents into a Church school according to the discretion of the
 "managers for the time being, and then and there to teach it
 "the one faith; and another and an *opposite* thing to have the
 "child intruded there, as of right, to be taught no faith at all."

I have the fear of being accused of "discreditable" "trickery" *Answer.*
 before my eyes, but I must paraphrase Mr. Lingen's answer, and
 say, "Of course it is; if it were otherwise, this 'controversy'

“would be unnecessary.” The question is, why is “teaching “the one faith” compatible with voluntary exemption of Dissenting children, and incompatible with it when enforced? Other clergymen who object to the Conscience Clause admit that in the exercise of their discretion they admit Dissenters’ children, and exempt them from *part* of their religious instruction. The National Society has actually said that to bind themselves *not to do so* is inconsistent with their terms of union, which permit such discretion. (By the way, does Archdeacon Denison keep his school in union?) These are the proper people to answer the Archdeacon here. What do they do? what do they teach? what do they omit? I have told you what those who admit the Conscience Clause do, and I maintain that *they are able to teach, and do teach*, the one faith of Christ. Equally must those who make this exemption at their own discretion be able to do the same thing. Archdeacon Denison seems to admit as much, but the admission neutralises his objection to the clause, which in that case only enforces what the Archdeacon allows. But, in point of fact, this reason is the most limited and local in its bearing of them all. Its statement in its integrity really applies only to the parish of East Brent. “The discretion of managers “for the time being” means there Church-of-England-baptism or exclusion. The Archdeacon will have no child unbaptised, or lay-baptised, in his school.* He can teach no child all or any part of the faith, till he is baptised into the Church of England. But as he is in a minority of one on this point, it may be passed over at present. Archdeacon Denison is so convinced of his right to the attitude of “*Athanasius*,” (or shall I say Cyril?) “*contra mundum*”—that he is, as he boasts, proof “against “argument or sophistry,” and I dare say also against the familiar satire which this “reason” so strongly suggests: “*Sic volo, sic jubeo, stet pro RATIONE voluntas.*”

* See Report of Select Committee on Education, Q. 3693—3708.

One word on the last sentence in the reason. Nothing is said in the clause to bind the clergyman to teach “no faith at all.” He is only not to teach the child that doctrine to which the parent conscientiously objects. Legally, he is only bound not to teach what can be proved to be distinctive doctrine of the Church of England, as against the particular sect to which the parent of the child belongs. Practically, it comes to an embargo on certain parts of the Church Catechism. And that a clergyman cannot teach the Christian faith without the Church Catechism I wholly deny. The risk of taking unintentional advantage of the confidence of parents would be met by a general avowal to such parents, “Your child will be taught with the “rest in the Bible lesson; I can make no difference beyond “what is in the bond—viz., exempting him from learning the “distinctive formularies, the Catechism and the Articles.” In ninety-nine cases out of a hundred no further objection would be made. In nine hundred and ninety-nine out of a thousand—should they arise—the complaint, if made, could never be substantiated.

15. “Because the Church may not allow the denominational *Reason 15.*
 “system, which is the only system upon which it is possible
 “for her to co-operate with the State in respect of education,
 “and upon which all the proceedings of the Committee of
 “Council were based from 1839 to 1858, to be impaired by
 “the establishment of a new order of Church schools,* which
 “shall be neither denominational nor undenominational, but a
 “confusion of both, and possessing no principle save that of
 “secular education.”

* “When, according to the expressed desire of the present Lord
 “President of the Council, the “Conscience Clause” shall have been
 “extended and applied to the annual grants, as well as to the building
 “grants, it will be *all the schools* of the Church of England connected
 “with the Committee of Council, and not only *some of them*, which shall
 “have no principle but that of secular education.”

Answer.

1. The Conscience Clause does not impair the denominational system. It does not otherwise than by exemption of individual children interfere with the religious teaching of the schools "as fixed by these presents." That "these presents" fix it as a Church of England school for ever, no one denies, or can deny. What religious teaching is given is and must be Church of England teaching.

2. But it does one thing to the denominational system—it *touches it at its weak point*. All systems have their weak points. I think we have seen to-night several systems that have weak points: the National Church itself—possibly even the National Society. The weak point of the denominational principle is its tendency to the unnecessary multiplication of schools. This, and this alone, the Conscience Clause aims to counteract, and counteracts.

3. I do not say, with Archdeacon Denison, that the denominational principle is the only one upon which it is possible for the Church to co-operate with the State in education. I do not say that it is not so. I believe that the denominational principle, modified by the Conscience Clause, will last us a long while. But I do ask, in anticipation of what I shall say in conclusion, is the Church so enamoured of the name of a "*denomination*" that she cannot bear to have her claim to it "*impaired?*"—that she dreads and resists being proved to be something larger, something higher, something more comprehensive?

4. To state that Church schools with a Conscience Clause possess no principle but that of secular education is simply a misstatement. Their religious, if you will their denominational character, remains. They only undertake, for the sake of a great practical advantage to their children and to themselves, to make exceptions in the application of their religious system in favour of those to whom it does not practically apply.

5. Lord Granville's "expressed wish" that the principle of the Conscience Clause be extended to the annual grants as well as to building grants is just an illustration of the gradual progress

of the principle in question. Of course it must be so extended. There is no reason whatever (none with even a show of reason, except that which would object to it as a piece of retrospective legislation—an objection which is soon disposed of) why the interests and rights of Nonconformists should not be guarded in schools already built as well as in those to be built hereafter. It is this which makes it so desirable that the National Society and the Church's authorities generally should agree with the Committee of Council in a form of stipulation to which our school managers can assent in a body, or at least in large numbers, and save the agitation of arguing with them and defeating them in detail. None who accept the principle of the clause can fail to wish to see it generally adopted at once,* for it will relieve the Church from the imputation of exclusiveness, or of want of zeal for education. It will remove the actual stimulus which the Church herself now gives to dissent by this grievance. And it will at least make clear for the future what the really distinctive doctrines of the Church of England are—Charity, Common Sense, and Education.

16. "Because to do all or any of these things is not to preserve *Reason 16.*
 "and cherish, but to impair, and ultimately to destroy, the true
 "relations of Church and State, and therein to mar their power
 "and co-operation."

This is the most serious of all Archdeacon Denison's *Answer.* objections, and it is because I regard it as at once the most important and the most mistaken, that I have dealt with it at length elsewhere as well as here. I beg leave to offer the assurance of my sincere respect and gratitude to the venerable Archdeacon for the way in which he has, when others

* Mr. Melville, already referred to, says, "Because it is right, and
 "in the interests of the Church herself, I would gladly see it every-
 "where. . . . I regret . . . that a Church system with universal
 "Conscience Clauses was not, rather than the Denominational, the
 "original system acted upon." (Pp. 15, 16.)

have talked of Erastianism and Free Churches—and some have actually seceded from us on the ground of such objections—held fast with an Englishman's tenacity to the doctrine that a close alliance of the civil and spiritual power is a vast blessing to a Christian country, and, if I understand him rightly, has held—as I certainly hold myself—that in some shape such a relation of some kind is inevitable in a highly-organised and widely-cultivated society. I allow that there *is* a question what is the best relation of the two powers for ourselves in England at the present day. The question is, perhaps, more likely to come up for discussion than it has been for many years. I quite allow that the *present* relations of Church and State are not a little endangered by this very controversy. The State means to extend elementary education to all classes of the community. The State has again and again expressed its willingness—nay, its intention—to give this education a religious character. The State still intends this. To effect it, it has hitherto intrusted each religious denomination with the education of its own children. That system now discovers—indeed, has discovered from the first—symptoms of coming to a dead-lock. The Church might have taken the whole system into her own control from the commencement had she seen the opportunity, and used it aright. In its perplexity, the State again appeals to the Church in the first instance to solve the difficulty, to undertake the education of those who cannot otherwise be provided for, or who can be far better provided for in this way than in any other. Again, a golden opportunity is placed in the Church's hands to show herself a true nursing-mother to her children. If it is lost, much more if it is thrown away, contemptuously rejected, Parliament will not be diverted from its purpose, and, though on exactly opposite grounds, I agree with the Archdeacon, that the relations of Church and State in England will be seriously “impaired”—indeed, that the continued establishment of *the present Church of England* will be very greatly endangered. That

some religious organisation will never cease to have pre-eminence, and to be in some way associated with the State, in this religiously-disposed and highly-cultivated country, I fully believe. My point is that any change may so easily be a change for the worse. The supremacy of the civil over the ecclesiastical organisation will never be relaxed. It is not relaxed in other countries, though very differently organised, both religiously and politically, from our own. The French Government asserts itself by forbidding the publication of Bishops' pastoral letters. The Italian Government will not nominate Bishops to please the Pope, nor pay the Bishops whom the Pope nominates. The Portuguese and Spanish Governments suppress convents and monasteries by the score, and sequester millions of Church property, and the latter Government imprisons a fanatical nun who exerts political influence. Even America talks of the secular arm for the suppression of Mormonite disorder, and will have to employ it. Nor will England, where "Freedom slowly broadens down from precedent to precedent," forget her history, and consent to be baffled by the Church. Ecclesiastical supremacy is gone for ever. It is a question only of the extent and the mode of adapting Church organisation to this accomplished fact. One detail of this adaptation is under discussion in England now, in the shape of the Conscience Clause, and I agree with Archdeacon Denison that no small part of our ecclesiastical and religious future depends upon the Church's answer.

17. "Because the Church may not hope for a blessing upon *Reason 17.*
 "expedients when brought into the place of principles; nor may
 "allow any amount of real, much less of supposed, difficulties,
 "to make her lose faith in her position or compromise her
 "trust."

1. Let me take the less important points in this objection *Answer.*
 first. The "difficulties" are not "supposed" only, they are real. Correspondence has flowed into the Council Office, deputations have attended there, to complain of the hardship

arising to Dissenters. In evidence at once of this and of the moderation of the Council Office, and of the characteristic endeavour of English statesmen to stave off the discussion of a troublesome question as long as temporary arrangements would suffice, I will read an extract from the Minute of June 28, 1847, from which it will appear that my lords said, in fact, that they were very sorry for the Dissenters, that they did not want to press the Church, and that they would see what else could be done. Of course nothing but a Conscience Clause could be done.

But this is the way they tried to deal with it in 1847, in reply to a deputation from the Wesleyan body :—

“ Their lordships greatly regret that the children of Dissenters are not admissible into Church of England schools
 “ without these requirements, and they would rejoice in a change
 “ in the regulations of such schools providing for their admission.

“ While, on the other hand, my lords regard with respect
 “ and solicitude the scruples which religious parents among the
 “ poor may feel to permit their children to learn the Catechism
 “ of the Church of England, they have felt themselves precluded
 “ from insisting upon a condition which might at once exclude
 “ Church of England schools, or at least the majority of them,
 “ from the advantages to be derived under the Minutes of
 “ Council.

“ Their lordships hope that much may be expected from a
 “ careful review of the civil and political relations of the school,
 “ which has not at any previous period been so fully acknowledged to be a national institution. Regarded in this light,
 “ their lordships cannot but hope that the clergy and laity of the
 “ Church of England will admit that the view they take of the
 “ obligations resting upon them as to the inculcation of religious
 “ truth must be limited by their duty to recognise the state of
 “ the law as to the toleration of diversities in religious belief,

“and especially in those who, on the basis of the Apostles’ Creed, approach so nearly as the Wesleyan Communion do, in doctrine, to the Church of England.” *

2. Next, what is the “position” in which the Church is not to “lose faith?” What is the “trust” which she is not to “compromise?” Archdeacon Denison says it is the “position” of bringing children not yet of her faith to be of her own faith; the trust of “steadily inculcating dogma” at whatever cost of division and separation. I venture to maintain, on the other hand, that the only position calculated to inspire unshakeable faith is that which holds that the truth will find its way, whether one Church force it on the children of another Church or not, and all the more if she does not so force it; and that the most sacred, and, indeed, the paramount trust of the Church, which she may never compromise, is that of so inculcating doctrine that her children may “hold the faith in unity of spirit, in the bond of peace, and in righteousness of life.”

3. Religious liberty and its correlative, religious toleration, are *not* expedients, but principles†—principles of the first mag-

* This extract is actually relied upon by Archdeacon Denison, to prove that in 1847 the Lords of the Council *bound themselves* to maintain their present form of relation with the Church of England schools! Of all documents to which finality was ever imputed, this is surely the one which has least internal evidence of intending it. It breathes throughout a tone of dissatisfaction with the existing system; and while it avows that hitherto my lords “have felt themselves precluded” from pressing the stipulation on the Church, it expresses “the hope that much may be expected” (in other words, that continued acquiescence in the existing state of things was the last thing thought of), and actually ends with the hint of a compromise for which the Conscience Clause is the shape eventually devised.

† Mr. Lefevre, in the *Fortnightly Review* (December 1, 1865), has remarked justly that few persons are aware of the extent to which the principles of religious equality and toleration are involved in the

nitude, at least as much so as respect for religious truth. It is, therefore a question not of subordinating principles to expedients, but of balancing principles; and that question is as old as the Gospel, as old as the world. Life is one long course of it. To complain of a Government for forcing the task upon us is to complain of the fate which governs human things. The Church has to do to-day what she has often had to do before, and will often have to do again; what, moreover, she has abundant maxims and precedents to guide her in doing. Were it not, as I have already argued, and as I firmly believe it to be, a case in which the Church is *bound*, on her own principles and for her own sake, to comply with the State's demand in this instance, it would yet come within the scope of those maxims of concession to the "powers that be" of which, and in not less important particulars, St. Paul's epistles are so full; it would still be open to settlement on the principles of the Divine Arbitrator who held the balance so evenly between conflicting claims (which these, I repeat, really are not), and who laid down that inexhaustible law of Church and State which, as I shall no doubt be told, can still be quoted on both sides—"Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's."

*Certain points
of principle.*

IV. I have now set forth the history of the Conscience Clause, and have attempted to deal with the two principal assaults upon it, which have been concerned respectively with its terms and its effect. In so doing, I have had occasion, as I foresaw, to discuss incidentally most of the points of principle involved in it. There remain, however, one or two arguments arising from a consideration of the office of a National Church,

clause, or of the severity of the battle which has yet to be fought for them on other fields as well as on this. His brief but pointed article upon the Conscience Clause is an excellent statement of the case from the Parliamentary point of view.

and of the present situation of our own Church in relation to the country at large, which I must state as briefly as I can.

1. The example of the working of the clause which I have *Comprehension*. cited of course suggests the point of secondary principle that I am really most anxious to bring out. Such is the kind of effect that in town parishes, as well as in country parishes, I look for from the operation of the clause. It symbolises in a word that historic cry so often raised in the Church of England—hitherto raised to so little purpose—the cry of *Comprehension*. I have already said how far I am from aspiring after proselytism, how fully I am convinced that it is the last thing to which the Conscience Clause will lend itself. But does it not suggest a policy of superiority to proselytism? Does it not indicate a Christian basis of education which shall leave the mutual conflicts of the Churches outside of its inclosure, which shall even act as a discouragement to those scandalous conflicts themselves? Is it not possible, it seems to ask, to make an effort to include some of the many Christian children, if not also Christian parents, who are now outside the Established pale? Is there any reason in the nature of things why the English Church and nation should continue to be what it is—a microcosm of all the religious differences and disorders of Christendom? The trial of such an experiment as this, the story of such a success as I have just related,* lends some strength to the hopes of those who are ready to declare that, cost what minor concessions it may, the present attitude of strife, and mutual jealousy, the refusal to co-operate for the most obvious common good, may not and shall not long continue between the various bodies of English Christians.

Of course we can never look for the total extinction of Dissent. I do not cherish a Utopian dream of unity, or rather of uniformity. But is it not a Christian object to reduce non-conformity to a minimum? No doubt, just as in the political

* *V. supra*, p. 33.

organisation, the Opposition, criticising, arresting, modifying the course of the dominant party, supplies that force of friction without which movement is impossible, so the attitude of the Nonconformist Churches does supply a stimulus, not wholly devoid of good effect, to the zeal, the learning, and even the spiritual tone of the established religion. But surely the Christian religion supplies something more, something far other than this mere balance of forces, to the life of a Christian country? Should it not rather supply the solvent of common faith and hope to all the conflicting interests of our common life? Should it not rather be the meeting-point for all sorts and conditions of men? Should not its outward organisation, so far as so spiritual an influence can be organised at all, be such as to secure the greatest amount of the advantages it affords to the greatest number of the community? And is not education, symbolising as it does, and inducing as it does, that idea of human dignity, that desire for mental and moral cultivation which has its root in the common belief of all Christians, one of those "advantages" which should command the concurrence and secure the co-operation of every good Christian citizen, be his opinions what they may? Is it not one for the furtherance of which Catholic and Protestant, Churchman and Dissenter, may well endeavour to combine, or the State at least may well endeavour to induce them to do so? Of course that lofty view of the identity of Church and State in which the two words are regarded only as two names for one and the same body viewed in different relations, which finds such noble expression in Hooker, and which has fascinated so many of our greatest statesmen and divines, requires many—alas, how many!—qualifications to make it even intelligible to the politicians of to-day. Yet surely it represents the true idea of Church and State—the true standard at which we should aim—the true ground-plan of the Christian nation, demanding the utmost expansion of the

*Education
a common
Christian
object.*

National Church, the corresponding narrowing of sectarian organisation.

All theological considerations apart, is not a National Church *The National Church.* in great measure the national organisation for the purposes of education? Is she not the trustee of what Coleridge calls the national "reserve fund" for moral and spiritual purposes? Other duties and relationships, of course, the Church has as one of the subordinate organisations of the Christian body. There is not, nor ever has been, any risk of these being forgotten or neglected in England; and this question of the Conscience Clause does not in reality touch any of these spiritual responsibilities of the Church. It is hard, at least, to understand how a Church can maintain that its prerogatives of religious teaching are invaded when the fundamental provision of the trust deed of every one of her schools must be one which, directly or indirectly, lays down that "the Bible must be "taught," and when she is only asked to exempt, *not* from the teaching of the Bible, but from the learning of certain of her special formularies, or from the inculcation of the characteristic doctrines of those formularies, the children of Dissenting parents who express their conscientious desire to have them so far exempted. The request is only made where other provision for their education is impossible or unreasonable; and it is made of a body specially pledged to make her institutions as comprehensive as possible. Is it, I ask, so light a thing, so mean a privilege, to have the position of a national arbitrator, so to speak, in matters of religion; to be able to offer a meeting-point for the various schools of theology in the country; to be able to deal a silent but effectual blow at the multiplication of sects, and the spread of schism; to be the strong right hand of the nation in drawing together the parted strands of our weakened and divided faith, in holding open the wide door of charity to our scattered flocks, whereby

many of her now alienated children may go in and at least find education, that our Church should lightly abandon it, and throw away this happiest opportunity that has of late years been offered to her of exercising her noblest functions wisely and well?

*Extent of
Dissent.*

2. Secondly, I call attention to the extent and strength of Dissent at this moment in England, and suggest the policy of counteracting it, not by forcible resistance, but by conciliation, and by disarming it of every reasonable ground of complaint against us. In this point of view the question raised by the Conscience Clause is not, indeed, a question of theological conflict with Dissenters, but it does raise unavoidably the question, Is not non-conformity arrived at proportions among us which place the matter in a very practical light indeed? I do not, of course, venture to rely on the only statistics that we possess—those of Mr. Mann. But bating considerably from these, putting the maximum of Protestant Dissenters at one-fourth, and assigning one-twelfth of the population to Roman Catholics and Jews—all of these probably most moderate computations—although the total which they reach is that of one-third of the population alien to the National Church (and there is reason to fear that the Nonconformist element is far larger*), I ask, is it a time, is it a situation, to stand out for exclusive recognition, or even ecclesiastical primacy, not only as the appointed way of salvation,

* The basis of Mr. Mann's Religious Census is the provision of each denomination for religious worship. This, as has been often pointed out, may be easily fallacious as to the actual numbers of the denomination in question, especially in the case of the Established Church, which may fairly be credited (whether to her praise or otherwise I will not say) with all who claim no other spiritual provision. But the fact is significant that "in the whole of England *and Wales*, for every 100 sittings "provided by the Church of England, Dissenters furnish 93!" (Mr. Mann's Report, p. 75.)

but even of elementary education, exclusively on the basis of our own doctrinal formularies? At all events, can we wonder that the State, or at least a large section of the country, and an important school in Parliament, begin to grudge us, in the face of this unyielding exclusiveness, in spite of the existing state of things, some of that consideration and pre-eminence which we have so long enjoyed, and which I hope and believe that our Church will always retain? In the matter of education, at least, it is small wonder that we find the National Church severely criticised for her claims to receive State aid in the work of education, and yet to be allowed to ignore the Nonconformist element in the population, the existence of which is at least in part attributable to her own fault, and to be exempted from that condition to which other denominations submit, for the purpose of economising the public grant, and securing protection to conscientious differences of opinion, which she ought to be the first to respect and guard.

I share to the full the dislike of Nonconformist aggressiveness which is so frequently encountered. I cordially endorse Burke's famous dictum that "Dissent, not satisfied with toleration, is "actuated, not by conscience, but by ambition." But I ask, does it lie in our mouths to make this reproach too freely at the present day? Have we done, are we doing, nothing to justify and even stimulate that ambition—to give ground for it to wonder whether it might not one day come to tolerate us? I submit that there is much to make us pause and reflect in the fact of two-thirds of the community (especially if that be only a polite hypothesis for a much smaller fraction) assuming to tolerate the other third as loftily as we are wont to do. At least, I cannot see that it gives us any valid right to say that, so far as we are concerned, the heads of families belonging to that third shall not control the religious education of their own children; and that we can find no better mode of dealing with it than by

teaching our formularies to the next generation, in spite of their parents' opposition ! I would ask if we cannot take advantage of this demand on our elasticity, this shock to our prejudices, if you will, which the Conscience Clause seems to be, to ask ourselves if it be a pre-ordained necessity that these men should always be Dissenters, and if the Church cannot afford, to put it on no higher ground, in her conscious superiority of theory and organisation, to make some concessions to them, at least in this matter of education, in the hope of bringing about a deeper reconciliation ? The State at this moment stands baffled by the multiplicity of sects, to all of whom it is determined to extend the benefits of elementary education, of religious education, if they will let her. And in her perplexity the State applies to one of the existing denominations, to that which seems most able and most bound to do so, to help her meet this difficulty. The denomination so appealed to is, of course, the National Church. Let her beware how she trifles with the invitation !

*Need of
extended
education.*

3. I cast a glance in the third place, and it can but be a glance, at the appalling ignorance of the lower orders in our land, as a motive for removing any obstacle that exists to the spread of education, for adopting any measure that tends to promote it. I believe it is indisputable, though it attracts too little of our attention. This is not the place to produce evidence. I can only say that I could almost have matched the stupendous specimens of ignorance among the children of the operatives at Sheffield which were lately disclosed, out of the papers of an examination in religious knowledge held last winter in London, under the auspices of the Metropolitan Association for Promoting the Education of Adults, in which I acted as examiner, the candidates being many of them pupils of schools of good status and organisation. And I believe they may often be matched all the country over, even in schools under Government inspection. I must not dwell now on the direct and indirect

results of general ignorance among the people, but will only express the conviction that education is the key of nearly all the social questions of our day. Pauperism, for example, is the evil with which we have next to do valiant battle. Pauperism can only be killed by education. Education alone can in the end extinguish the race of either London casuals or Dorset labourers, for education will lead paupers to paid industry or emigration. Reform, again, is the question of the hour. Educate the working classes, and they will at once command political influence, and the reason for grudging it to them will be removed. But my argument here is this : the ignorance of large portions of the working classes in England (alas ! it is not confined to them) is frightful. The religious difficulty is a bar to the removal of that ignorance ; first, by diverting the minds of teachers from the great object of a school—the teaching of reading, writing, and arithmetic, the indispensable starting-points of all mental cultivation, and occupying the time of teachers and scholars with often worthless so-called religious instruction from teachers incompetent to give it, which might be far better given by separate teachers at a separate time and place ; second, by preventing the hearty co-operation of all who are interested in this primary need of a neighbourhood or parish, and the concentration of that interest upon a single school, instead of its being broken up and directed upon many isolated sectarian schools. This religious difficulty the Conscience Clause is designed to cope with. I believe it does so satisfactorily. I have proved that it *need not* interfere with the religious teaching of a single school. That teaching may still be given under it by the same teachers in the same rooms at the same time with other lessons. But I shall not be deterred by the fear of seeming to concede some part of my adversary's ground from advocating it in this place on the ground that it will also admit of a clearer separation between the secular and religious instruction than is commonly practised in England,

though it can never “otherwise interfere with the religious instruction as fixed by these presents” in every trust deed. There is no time to do more than name, but I must name in this connection an article in the *Revue des Deux Mondes* (November 15, 1865), giving an account of the astonishing system of education now at work in America—that system which has produced still more astonishing results, which has carried the great Republic through its tremendous struggle by the mere force of the intelligence and the conscience of her whole people, and which leaves the chief apprehension of her statesmen (and a serious apprehension it is) to be the danger arising from the ignorance imported from Europe, and especially from Ireland. I do not, I repeat, advocate that system as a whole. But it is certain that its strength consists in the absence of the religious difficulty which besets us—in the absence of any necessity for a Conscience Clause. For I think it is plain that three principles, to neither of which I commit myself, but which I will name (*borresco referens*), do stand very much in the relation of cause to the effect of general enlightenment and moral elevation which we must all admire—namely, that the instruction in American elementary day-schools is “*secular*,” *compulsory*, and *free* (*gratis*).

If we can produce this effect by other or by less extreme forms of the same means, well and good! Some of it I believe we can so produce. But let us at least admit fully our desperate need of that effect, and welcome anything that tends to produce it or remove obstacles to its production.

*the current of
public opinion.*

4. Fourthly, I point to the progress of public opinion, and its unmistakeable tendency in this direction. I do not insist on the undoubted fact that the mind of the House of Commons is such as Lord Granville has said that he believes it to be—such as to make the Committee of Council, out of regard for the Church of England, and a desire to come to terms with her, hesitate to submit the question to the House, and so draw on the rough

and ready settlement it would be sure to receive. I do not dwell upon the kind of criticism that the opposition to the clause has received in the best and most thoughtful, as well as in the most hectoring and intemperate, portion of the press. I only say, depend upon it, the course of modern politics, the drift of liberal legislation, will never be reversed. And I do appeal earnestly to all her intelligent sons to beware how they thwart the growing sense of the Church's obligations to be generous and comprehensive which is manifested by our political leaders of all parties and schools—by the party which is supposed to be the patron and conservator of the Church as she is, no less than of that which is accused of surrendering her rights and assailing her faith. I need only mention the well-known advocacy of the clause by a Tory leader like Sir John Pakington, Chairman of the recent Committee of Inquiry into the Working of the Education Department. But I venture to quote a few sentences from the speech of a still weightier politician, from which I rejoice to infer, not only that one of the best judges and highest examples of the value of education, and a gentleman and statesman of the first rank, comprehends the difficulty of extending elementary education to the lower ranks of society, but that by the cordial support of its principle on the part of the Conservative leader, the Conscience Clause has been taken out of the category of Parliamentary party questions.

The Earl of Derby, in a speech at Liverpool, on the 10th of October, 1863, at a meeting in aid of middle-class education, said— *Lord Derby's opinion.*

“ Before I pass from the observations upon the education given here, I ought to mention one subject, which is not only of the highest but of unparalleled importance—I mean that in all cases and in all the schools—the highest, and the lowest, and the middle—they make an essential part of the education here given,

“ a sound religious instruction according to the doctrines and prin-
 “ ciples of the Church of England.” (Applause.) “ Whatever else
 “ may be necessary, unnecessary, or superfluous for each of the
 “ different ranks into which these schools are divided, there is,
 “ at all events, this one subject, which is of equal importance to
 “ the high, to the middle, and to the low, and which it is the
 “ boast and the honour of this institution to have, from its first
 “ foundation, incorporated with, and made an essential part of,
 “ the instruction to be given to all those who come within
 “ its walls. From the first foundation of this institution it has
 “ not only been decided that the education given to all the
 “ pupils should be of a strictly religious character, but also
 “ that it should be in close connection with the service, discipline,
 “ and doctrine of the Church of England. How, then, it may
 “ be asked, can this system of religious education work for the
 “ benefit of the middle classes in general in a community which
 “ comprises among its members a very considerable number of
 “ Protestant Dissenters? I think the solution has been found
 “ by acting upon a very simple principle, and demonstrating that,
 “ where this principle is fairly and honourably carried out, there
 “ is less difficulty—at all events, with regard to the point of
 “ religious education—with Protestants of different denomi-
 “ nations than is usually supposed to exist. It has been
 “ determined in this college to introduce that which, with
 “ regard to the Government schools, is known as the ‘Con-
 “ science Clause’—that is, while we require that the services
 “ of the Church of England should be exclusively made use of,
 “ that every boy should attend those services, that the teaching
 “ should be in conformity with the doctrines of the Church of
 “ England, and that the teachers, with the exception of those of
 “ foreign languages, should be members of the Church of Eng-
 “ land, it has also been decided, and I think with a judicious
 “ and wise toleration, that those boys whose parents object to

“ their being instructed in the Catechism and formularies of the
 “ Church of England should be exempt from so much of attend-
 “ ance upon and teaching of the services of the Church. And
 “ the best proof that can be given that this is a sound and reason-
 “ able principle is that a few years ago—and I have no reason to
 “ suppose the proportions are materially changed—the number of
 “ Nonconformists in the higher school amounted to 10 per cent.,
 “ in the middle school to 20 per cent., and in the lower school
 “ to no less than 30 per cent., of the whole population, thus
 “ showing that, while we adhere strictly to the doctrine and dis-
 “ cipline of the Church of England, there is no intolerable obstacle
 “ to our affording with perfect satisfaction to a large body of
 “ Dissenting Protestants a sound religious education.” (Cheers.)

Nor has the defence of the clause been limited to laymen. I am tempted to trouble you with a quotation or two from clerical apologists for it, if only to show you—though they are worth far more than this—that I am not quite the solitary phenomenon that the Archdeacon has tried to make me out. A clergyman (the Rev. A. Garfit) who had once before the honour which I now have of withstanding him to the face, used, at the Church Congress at Norwich, the following clear and reasonable language, the practical suggestions in the end of which I cannot now discuss, but which are an excellent example of the spirit which the National Society and the Church at large ought to have brought, and ought now to bring, to the consideration of the proposed clause:—

*Speech of the
 Rev. A. Garfit
 at the Norwich
 Congress.*

“ Let us look at the proposed clause. Viewing it as states-
 “ men, it does away with an injustice to Dissenters which has
 “ been pointed out to us by Churchmen of distinction. It gives
 “ a security, by opening the school doors as wide as possible,
 “ for the best return to the expenditure of public money. It lays
 “ down an equitable and unvarying rule, and does not leave the
 “ practice to the private discretion of an individual clergyman.

“ But to such a meeting as this I do not rely on arguments that
 “ may have weight with statesmen so much as those that address
 “ themselves to Churchmen. Where, then, is the principle
 “ of this clause? A recognition of the parental authority.
 “ Some speak of the Conscience Clause as if the Church was
 “ called on to resign to the State its spiritual rights, as if it was
 “ required to shape its religious teaching to suit the Government.
 “ But it is not so. It is rather that Church and State alike are
 “ called upon to bow before a power that is paramount to both ;
 “ to recognise the natural and divine right of those to whom is
 “ intrusted the culture and well-being of their offspring, and with
 “ whom rests both the responsibility and right of determining
 “ what religion the child shall be taught. This is the principle
 “ of the Conscience Clause, and this is a principle which I believe
 “ the Church may accept without any compromise of her own.
 “ And see how the clause is guarded ; it only refers to indivi-
 “ duals, not to the school ; and in the individual cases it gives
 “ only a negative power, which ‘ shall not otherwise interfere
 “ ‘ with the religious teaching.’ It leaves that religious teaching
 “ still entirely in the hands of the clergy, and ‘ shall not autho-
 “ ‘ rise any other religious instruction to be given.’ Against this
 “ clause thus viewed, I think the seventeen reasons alleged by
 “ Archdeacon Denison do not apply, Neither is there any
 “ breach of faith on the part of the State. It is too much to
 “ require that, with progress in everything, there is to be a
 “ finality code of education ; and new difficulties will from time
 “ to time require new regulations. We ought to look at the
 “ difficulty and try to adjust it. The State desires to embody
 “ the Conscience Clause in a minute after conference with the
 “ Church as to the terms. What should those terms be?
 “ (1) That it should not apply to parishes of above a certain
 “ population—say where there are a thousand Church people.
 “ (2) It should apply to annual grants, and then the managers

“ of any school could get rid of it at any time, as they can now
 “ of the inspector’s visit, by renouncing the grant. (3) In the
 “ case of building grants, the managers should have the power
 “ of freeing themselves of the clause at any future time, simply
 “ by returning the money. This would meet the dislike that
 “ most people have of doing anything that will bind their suc-
 “ cessors for ever, and would allay the fear that exists lest the
 “ State should gradually enslave the Church. With these limi-
 “ tations, I believe a liberal and large-hearted Church can accept
 “ the Conscience Clause without compromise of its principles,
 “ and with a practical advantage to itself.”

Nor can I content myself with the protection of a single *The charge of*
 authority from among the clergy, especially when so broad an *Archdeacon*
Browne.
 ægis has been extended over me, and one so well adapted to
 sustain the arrows of Archdeacon Denison, as that under which I
 am about to shelter myself. Another Archdeacon from the West
 (Θεοὶ εἰσὶ καὶ ἡμῖν)—Archdeacon Denison’s equal in academical
 and ecclesiastical honours, nay, his coadjutor in the same diocese
 —the Archdeacon of Bath—has charged his clergy, by one of
 those happy compensations which the well-balanced structure of
 our Church so frequently provides, in language the exact contra-
 dictory of that of his brother of Taunton. Archdeacon Browne
 says—

“ The question of the compulsory insertion of a Conscience
 “ Clause into the trust deed of a Church school when aid is
 “ sought out of the Parliamentary grant for education involves
 “ some difficulty which we must approach in an impartial spirit.
 “ Take the case for which alone the Committee of Privy Council
 “ wish to provide, and to which their Lordships strictly confine
 “ themselves, viz., when it is proposed to build a Church school
 “ as the only one available for a population containing Dissenters.
 “ An application is made for assistance to build this school out of
 “ a fund to which the taxation of Nonconformists contributes as

“ well as that of the members of the Church of England. Can
 “ the Government justly exclude from such school the children
 “ of those who have no other opportunity of gaining secular
 “ instruction, unless on the condition of their learning a religious
 “ formulary and attending a form of public worship to which
 “ the parents conscientiously object? And yet this is all that
 “ the so-called Conscience Clause implies. The objection is a
 “ theoretical objection which in practice vanishes entirely. Sup-
 “ pose no such condition were insisted on, what, I ask, would
 “ be the course which we should pursue in case a Dissenter
 “ brought his child for admission into our schools, making it a
 “ *sine quâ non* that he should attend Sunday-school and public
 “ worship in his own communion, and should not learn the
 “ Church Catechism? Should we shut our doors in the face of
 “ this child, and cruelly condemn him to that ignorance which
 “ would leave him a ready victim of the enemies of his body and
 “ soul? Should we dare to give up the religious influence which
 “ the Bible lesson given by ourselves, the very atmosphere of
 “ our presence, the interest which the children of our schools see
 “ we take in their welfare, is calculated to exercise over them?
 “ Should we prefer that they should sink into barbarians rather
 “ than continue Dissenters? And if it be said that the answer
 “ to these questions by a unanimous negative proves that it is
 “ unjust to impose upon clergymen such restrictions, let it be
 “ remembered that it is the duty of the Legislature, in the distri-
 “ bution of public money, to trust no one without security being
 “ taken that the trust cannot possibly be abused.”

The “ Church
 and State
 Gazette”
 apologises for
 the Clause.

Nay! I venture on a crowning audacity. Some of you may
 have sometimes seen a newspaper called the *Church and State
 Gazette*. Some of you may have heard with me that it drew at
 least a part of its inspiration from the recognised fount of
 Western orthodoxy. Be this as it may, how shall I express my
 astonishment on finding in that journal, so lately as November 1,

1865, the following mode of dealing with the question of the Conscience Clause :—

“We cannot help thinking that if Dissenters were aware
 “how little effect the mere Catechism has in the creation of
 “Church people, they would not make such a fuss about a
 “Conscience Clause; and we are quite certain that, unless our
 “dogmatic teaching is to be of a very different kind in future
 “from what it has been heretofore, we may just as well save
 “ourselves the trouble and odium of struggling against its imposi-
 “sition.”

Then follows a quarter of a column of particular doctrines which one is astonished to learn go to make up what is meant, and what I suppose Archdeacon Denison means, by the “one faith.” But the argument is that all these doctrines can be taught, as I cheerfully concede that they can, apart from the Church Catechism, for they certainly could not be derived from it; and the inference apparently intended is precisely that which it has been the main business of this paper to assert, that the effect of the Conscience Clause in Church of England schools is confined to exemption from the Church Catechism (or part of it) and from the other distinctive formularies (so far as they are so), but does not further limit the Scripture lesson as such. After this, who shall say that an agreement between the Government and the Church—even the Church of East Brent—is a hopeless dream?

But I have done. I conclude by reiterating the appeal which I have already made—an appeal to which one who has known how to stand aloof from his own party when the welfare of the Church at large seemed to him to be imperilled, ought not to be insensible. Regarding the Conscience Clause as the direct if unconscious summons of the civil power to the Church to bethink her of her true character, and to render her utmost efforts to heal the breaches of long theological conflict, and by

no means to widen them ; believing that if the clergy persist in refusing to recognise the rights of conscience, the denominational principle itself will go to pieces in their hands, and a system of compulsory and undenominational education—which I here neither denounce nor defend—will be forced upon them ; holding that a last opportunity of effecting a *national* system of *religious* education is now offered to us by the clause, and that with its rejection not only that opportunity, but that also of realising a truly National Church in modern times, will be lost for ever ; I do implore the clergy and laity of the Church of England to regard this question as one not of a partisan character, but of national importance ; to hesitate and reflect before they force on so dire a revolution as the divorce—even in the matter of education—between the civil and religious power ; or, to speak more accurately, between the State and the present Church of England.

FINIS.









